

2A:1B-1 et al

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(Courts--out-
dated references)

LAWS OF: 1991

CHAPTER: 91

Bill No: S1348

Sponsor(s): O'Connor

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

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

Date of Passage: Assembly: January 17, 1991

Senate: March 8, 1990

Date of Approval: April 9, 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: No

Following were printed:

Reports: Yes

Hearings: No

(over)

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New Jersey. Law Revision Commission
Annual report...1989. Trenton,
1989.

(see pp.3 and Appendix A)

KBG/SLJ

P.L. 1991, CHAPTER 91, approved April 9, 1991

1990 Senate No. 1348 (Second Reprint)

1 AN ACT correcting statutory references and amending various
2 sections of the statutory law.

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

6 1. Section 1 of P.L. 1970, c. 151 (C.2A:1B-1) is amended to read
7 as follows:

8 1. "Judge" as used herein means any judge of the superior
9 court[, county] tax court, [county district court, juvenile and
10 domestic relations court] and municipal court.
11 (cf. P.L. 1970, c. 151, s.1.)

12 2. Section 3 of P.L. 1981, c. 243 (C.2A:4-30.26) is amended to
13 read as follows:

14 3. Definitions: a. "Court" means the [juvenile and domestic
15 relations court] Superior Court, Chancery Division, Family Part
16 of this State, and when the context requires, means the court of
17 any other state as defined in a substantially similar reciprocal
18 law.

19 b. "Duty of support" means a duty of support whether imposed
20 or imposable by law or by order, decree, or judgment of any
21 court, whether interlocutory or final or whether incidental to an
22 action for divorce, separation, separate maintenance, or
23 otherwise and includes the duty to pay arrearages of support past
24 due and unpaid.

25 c. "Initiating state" means a state in which a proceeding
26 pursuant to this or a substantially similar reciprocal law is
27 commenced. "Initiating court" means the court in which a
28 proceeding is commenced.

29 d. "Law" includes both common and statutory law.

30 e. "Obligee" means a person including a state or political
31 subdivision to whom a duty of support is owed or a person
32 including a state or political subdivision that has commenced a
33 proceeding for enforcement of an alleged duty of support or for
34 registration of a support order. It is immaterial if the person to
35 whom a duty of support is owed is a recipient of public assistance.

36 f. "Obligor" means any person owing a duty of support or
37 against whom a proceeding for the enforcement of a duty of
38 support or registration of a support order is commenced.

39 g. "Prosecuting attorney" means the public official in the

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:

¹ Senate SJU committee amendments adopted January 18, 1990.

² Assembly AJL committee amendments adopted October 4, 1990.

1 appropriate place who has the duty to enforce criminal laws
2 relating to the failure to provide for the support of any person.

3 h. "Register" means to record in the Registry of Foreign
4 Support Orders.

5 i. "Registering court" means any court of this State in which a
6 support order of a rendering state is registered.

7 j. "Rendering state" means a state in which the court has
8 issued a support order for which registration is sought or granted
9 in the court of another state.

10 k. "Responding state" means a state in which any responsive
11 proceeding pursuant to the proceeding in the initiating state is
12 commenced. "Responding court" means the court in which the
13 responsive proceeding is commenced.

14 l. "State" includes a state, territory, or possession of the
15 United States, the District of Columbia, the Commonwealth of
16 Puerto Rico, and any foreign jurisdiction in which this or a
17 substantially similar reciprocal law is in effect.

18 m. "Support order" means any judgment, decree, or order of
19 support in favor of an obligee whether temporary or final, or
20 subject to modification, revocation, or remission, regardless of
21 the kind of action or proceeding in which it is entered.

22 (cf: P.L.1981, c.243, s.3.)

23 3. Section 11 of P.L.1981, c.243 (C.2A:4-30.34) is amended to
24 read as follows:

25 11. Jurisdiction of any proceeding under this act is vested in
26 the [juvenile and domestic relations court] Superior Court,
27 Chancery Division, Family Part of any county of this State.

28 (cf: P.L.1981, c.243, s.11)

29 4. Section 3 of P.L.1982, c.77 (2A:4A-22) is amended to read as
30 follows:

31 3. General definitions. As used in this act:

32 a. "Juvenile" means an individual who is under the age of 18
33 years.

34 b. "Adult" means an individual 18 years of age or older.

35 c. "Detention" means the temporary care of juveniles in
36 physically restricting facilities pending court disposition.

37 d. "Shelter care" means the temporary care of juveniles in
38 facilities without physical restriction pending court disposition.

39 e. "Commit" means to transfer legal custody to an institution.

40 f. "Guardian" means a person, other than a parent, to whom
41 legal custody of the child has been given by court order or who is
42 acting in the place of the parent or is responsible for the care and
43 welfare of the juvenile.

44 g. "Juvenile-family crisis" means behavior, conduct or a
45 condition of a juvenile, parent or guardian or other family
46 member which presents or results in (1) a serious threat to the
47 well-being and physical safety of a juvenile, or (2) a serious
48 conflict between a parent or guardian and a juvenile regarding
49 rules of conduct which has been manifested by repeated disregard

1 for lawful parental authority by a juvenile or misuse of lawful
2 parental authority by a parent or guardian, or (3) unauthorized
3 absence by a juvenile for more than 24 hours from his home, or
4 (4) a pattern of repeated unauthorized absences from school by a
5 juvenile subject to the compulsory education provision of Title
6 18A of the New Jersey Statutes.

7 h. "Repetitive disorderly persons offense" means the second or
8 more disorderly persons offense committed by a juvenile on at
9 least two separate occasions and at different times.

10 i. "Court" means the [Family Court] Superior Court, Chancery
11 Division, Family Part unless a different meaning is plainly
12 required.

13 (cf: P.L.1982, c.77, s.3)

14 5. Section 6 of P.L.1982, c.77 (C.2A:4A-25) is amended to read
15 as follows:

16 6. Except as provided in section 4, and unless jurisdiction has
17 been waived under section 7, if during the pendency in any other
18 court of a case charging a person with a crime, offense or
19 violation, it is ascertained that such person was a juvenile at the
20 time of the crime, offense or violation charged, such court shall
21 immediately transfer such case to the [family court having
22 jurisdiction] Superior Court, Chancery Division, Family Part. The
23 [family court] Family Part shall thereupon proceed in the same
24 manner as if the case had been instituted [in that court] under
25 this chapter in the first instance.

26 (cf: P.L.1982, c.77, s.6)

27 6. Section 7 of P.L.1982, c.77 (C.2A:4A-26) is amended to read
28 as follows:

29 7. Referral to another court without juvenile's consent.

30 a. On motion of the prosecutor, the court shall, without the
31 consent of the juvenile, waive jurisdiction over a case and refer
32 that case from the [family court] Superior Court, Chancery
33 Division, Family Part to the appropriate court and prosecuting
34 authority having jurisdiction if it finds, after hearing, that:

35 (1) The juvenile was 14 years of age or older at the time of the
36 charged delinquent act; and

37 (2) There is probable cause to believe that the juvenile
38 committed a delinquent act or acts which if committed by an
39 adult would constitute:

40 (a) Criminal homicide other than death by auto, strict liability
41 for drug induced deaths, pursuant to N.J.S.2C:35-9, robbery
42 which would constitute a crime of the first degree, aggravated
43 sexual assault, sexual assault, aggravated assault which would
44 constitute a crime of the second degree, kidnapping or
45 aggravated arson; or

46 (b) A crime committed at a time when the juvenile had
47 previously been adjudicated delinquent, or convicted, on the basis
48 of any of the offenses enumerated in subsection a.(2)(a);

49 (c) A crime committed at a time when the juvenile had

1 previously been sentenced and confined in an adult penal
2 institution; or

3 (d) An offense against a person committed in an aggressive,
4 violent and willful manner, other than an offense enumerated in
5 subsection a.(2)(a) of this section, or the unlawful possession of a
6 firearm, destructive device or other prohibited weapon, or arson;
7 or

8 (e) A violation of N.J.S.2C:35-3, N.J.S.2C:35-4, or
9 N.J.S.2C:35-5; or

10 (f) Crimes which are a part of a continuing criminal activity in
11 concert with two or more persons and the circumstances of the
12 crimes show the juvenile has knowingly devoted himself to
13 criminal activity as a source of livelihood; or

14 (g) An attempt or conspiracy to commit any of the acts
15 enumerated in paragraph (a), (d) or (e) of this subsection; and

16 (3) Except with respect to any of the acts enumerated in
17 subsection a.(2)(a) of this section, or with respect to any acts
18 enumerated in subparagraph (e) of paragraph (2) of subsection a.
19 of this section which involve the distribution for pecuniary gain
20 of any controlled dangerous substance or controlled substance
21 analog while on any property used for school purposes which is
22 owned by any school or school board, or within 1,000 feet of any
23 school property or while on any school bus, or any attempt or
24 conspiracy to commit any of those acts, the State has shown that
25 the nature and circumstances of the charge or the prior record of
26 the juvenile are sufficiently serious that the interests of the
27 public require waiver.

28 However, if in any case the juvenile can show that the
29 probability of his rehabilitation by the use of the procedures,
30 services and facilities available to the court prior to the juvenile
31 reaching the age of 19 substantially outweighs the reasons for
32 waiver, waiver shall not be granted.

33 b. In every case where there is a motion seeking waiver, the
34 prosecutor shall within a reasonable time thereafter file a
35 statement with the Attorney General setting forth the basis for
36 the motion. In addition, the court shall, in writing, state its
37 reasons for granting or denying the waiver motion. The Attorney
38 General shall compile this information and report its findings to
39 the Legislature 18 months after the effective date of this act
40 with the objective of developing, where appropriate, guidelines as
41 to the waiver of juveniles from the [family court] Family Part.

42 c. An order referring a case shall incorporate therein not only
43 the alleged act or acts upon which the referral is premised, but
44 also all other delinquent acts arising out of or related to the same
45 transaction.

46 d. A motion seeking waiver shall be filed by the prosecutor
47 within 30 days of receipt of the complaint. This time limit shall
48 not, except for good cause shown, be extended.

49 (cf: P.L.1987, c.106, s.23)

1 7. Section 16 of P.L.1982, c.80 (C.2A:4A-91) is amended to
2 read as follows:

3 16. Youth Services Planning. By September 1, 1983 the
4 governing body of each county, in conjunction with the county
5 department or such other persons designated by the county
6 charged with responsibility for planning for youth services, shall
7 submit to the Commissioner of the Department of Human
8 Services a comprehensive plan for the provision of community
9 services and programs to meet the needs of children under the
10 jurisdiction of the [Family Court] Family Part and the provisions
11 of this act and which shall be developed within the limits of
12 fiscal and other resources available to the county.

13 a. The comprehensive plan shall include:

14 (1) A description of the various community resources currently
15 available within the county to provide programs and services to
16 children under the jurisdiction of the court and this act;

17 (2) A description of county facilities for juveniles and the
18 population they serve, including current rates of utilization of
19 facilities based upon population;

20 (3) A detailed plan for providing increased programs and
21 services including anticipated costs and a description and
22 timetable for implementation. The plan shall specify what
23 programs and services are to be provided, the target populations
24 to be served, and which agencies are to provide services. The
25 plan may involve provision of programs and services by the
26 county, by an agreement with a State agency, by private
27 organizations including volunteer groups, or by some specified
28 combination of the above.

29 b. Programs and services provided to children and families shall
30 be designed to meet the unique needs of juveniles under the
31 jurisdiction of the court and this act and shall be designed to
32 strengthen families, consistent with the physical safety and
33 mental well-being of the juvenile, and avoid, reduce, or provide
34 alternatives to institutional placements. Programs and services
35 may include home detention projects, day treatment programs,
36 juvenile-family crisis counseling teams, Host Home projects,
37 family support networks, truancy prevention programs,
38 neighborhood multi-service centers and other community based
39 alternative programs.

40 c. In determining whether to approve a comprehensive plan
41 under this act, the commissioner shall consider whether the plan
42 is designed to meet the needs of children and families under the
43 jurisdiction of the court and this act, whether the plan is
44 consistent with the goals of family and community based
45 treatment, and whether implementation of the plan is feasible.
46 Each county plan submitted to the commissioner shall be
47 presumed valid; provided that it is in substantial compliance with
48 the provisions of this section. Where the commissioner fails to
49 approve a county plan, the county may request a court hearing on

1 ~~that determination.~~

2 d. The governing body of each county, in conjunction with the
3 county department or such other persons designated by the
4 ~~county charged with responsibility for youth services, shall~~
5 establish a citizens' advisory committee to assist the governing
6 body in development of the comprehensive plan. The advisory
7 committee shall consist of no less than 12 nor more than 20
8 members and shall be appointed by the governing body. The
9 ~~committee shall include representatives from among the judges~~
10 assigned to the family part of the Superior Court for the county
11 and of the county governing body, the county prosecutor or his
12 designee, the district offices of the Division of Youth and Family
13 Services, a wide range of public and private child and family
14 organizations, including schools, mental health, family counseling
15 and other organizations, persons involved in alternative projects
16 and other individuals with interest or experience in issues
17 concerning children and families. Each committee shall, to the
18 maximum extent feasible, represent the various socioeconomic,
19 racial and ethnic groups of the county in which it serves.

20 e. Not less than 30 days prior to the submission of the
21 comprehensive plan or any amendment thereto, to the
22 commissioner for approval, the governing body of the county shall
23 give public notice of its intention to submit a plan and shall
24 make copies of the draft plan available for public comment. The
25 county shall implement the comprehensive plan promptly upon
26 approval by the commissioner.

27 f. ~~The commissioner shall monitor the operations of the~~
28 programs and services provided pursuant to this act. Monitoring
29 shall be limited to a determination as to whether each county is
30 implementing the county comprehensive plan.

31 g. Pursuant to the adoption of the comprehensive plan for
32 youth services, the governing body of each county, in conjunction
33 with the county department charged with the responsibility for
34 youth services and the citizens' advisory committee as
35 established under subsection d. of this section, shall submit a
36 comprehensive plan for youth services including a needs
37 assessment and resource inventory of youth services in the
38 county to the commissioner for approval every third year. Every
39 effort shall be made to gain public involvement in the
40 development of a youth service plan for each county.

41 (cf: P.L.1983, c.269, s.5)

42 8. N.J.S.2A:5-2 is amended to read as follows:

43 2A:5-2. Each surrogate, before assuming the duties of his
44 office, shall enter into a bond to the state of New Jersey and to
45 the county for which he is elected, as their interest may appear,
46 in the sum of \$15,000 or in such greater sum not exceeding
47 \$50,000 as the [county court of the county] Superior Court may
48 order, with sufficient corporate surety. The bond shall be
49 conditioned that if he shall well and truly execute the office of

1 surrogate of his county, and all things pertaining to the same, as
2 well with respect to all persons concerned, as to the said county
3 and the state of New Jersey, and at the expiration of his office,
4 shall deliver to his successor in office all the moneys, things,
5 books, papers, records and writings in his office or appertaining
6 thereto, then the obligation shall be void, otherwise it shall be
7 and remain in force. The bond, approved by the court, shall be
8 filed in the office of the secretary of state and a duplicate filed
9 with the clerk of the board of chosen freeholders of such county.

10 (cf: N.J.S.2A:5-2)

11 9. N.J.S.2A:5-4 is amended to read as follows:

12 2A:5-4. If the surrogate of any county shall be a fiduciary
13 under a will or otherwise, he and every employee of his shall be
14 disqualified from performing the duties of his office with respect
15 to the will or the fiduciaryship, but a judge of the [county court
16 of the county] Superior Court may perform such duties.

17 (cf: N.J.S.2A:5-4)

18 10. N.J.S.2A:5-18 is amended to read as follows:

19 2A:5-18. Every surrogate shall, on the first Monday in
20 February, May, August and November, in each year, transmit to
21 and file with the clerk of the superior court all wills and
22 inventories proved before him [or the county court] and a report
23 of all letters of administration granted during the preceding 3
24 months. This section shall not apply to those wills proved before
25 him [or the county court] which are on file in a court or public
26 office of another state, under the laws of which they cannot be
27 removed therefrom or, if permitted to be removed to this state
28 for probate, cannot remain in this state for permanent filing.

29 (cf: N.J.S.2A:5-18)

30 11. N.J.S.2A:5-20 is amended to read as follows:

31 2A:5-20. The surrogate of each county, either as surrogate or
32 clerk of the [county court, probate division, of the county,]
33 Superior Court, Chancery Division, Probate Part shall record in
34 his office the following instruments, documents and papers,
35 among others:

36 a. Orders and judgments of the [county court, probate
37 division,] Probate Part except such orders as he shall deem
38 unnecessary to be recorded;

39 b. Bonds required by law or order of the court given by
40 fiduciaries;

41 c. Accounts of executors, administrators, guardians, assignees
42 and trustees, and revocations, requests and renunciations,
43 necessary or proper to be recorded, if desired by any party in
44 interest;

45 d. Wills proved before him or the [county court,] Probate Part
46 together with the proofs thereof;

47 e. Letters testamentary, of administration, of guardianship
48 and of trusteeship granted or issued by him, and all things
49 concerning the same, and also all inventories;

1 f. Receipts and discharges given to executors, administrators,
2 guardians or trustees upon the payment or delivery by them of
3 legacies, distributive shares or personal property to the persons
4 entitled thereto, or their executors or administrators, which
5 receipts and discharges shall be acknowledged or proved as deeds
6 of real estate are by law required to be acknowledged or proved;

7 g. Receipts and discharges given to receivers, masters,
8 trustees, or persons ordered to sell real estate, upon the payment
9 by them in the proper execution of their trust, of shares or sums
10 of money to persons entitled thereto, or to their executors or
11 administrators, which receipts and discharges shall be
12 acknowledged or proved as deeds of real estate are required by
13 law to be acknowledged or proved.

14 (cf: P.L.1952, c.260, s.1)

15 12. N.J.S.2A:5-25 is amended to read as follows:

16 2A:5-25. Whenever the record of any instrument of record in
17 the office of the surrogate of any county of this state shall
18 become so worn out, mutilated, obliterated or obscured as to
19 endanger the title to real estate or other property, any judge of
20 the superior court[, or a judge of the county court of any such
21 county,] may order such instrument to be recorded anew in a book
22 to be kept in the office of such surrogate, which book shall be
23 known as the book of rerecorded instruments. Transcripts
24 thereof, when certified as such by such surrogate under his hand
25 and seal of office, shall be received as legal evidence of the
26 contents of any instrument so recorded in the courts of this
27 state. All instruments so rerecorded shall be indexed in the
28 appropriate books of indexes, being marked as reindexed.

29 (cf: N.J.S.2A:5-25)

30 13. N.J.S.2A:8-27 is amended to read as follows:

31 2A:8-27. Any judge of [a County] the Superior Court, [county
32 district court or criminal judicial district court, or any clerk or
33 deputy clerk thereof may, within the county wherein an offender
34 may be apprehended,] or [any magistrate] of a municipal court,
35 any clerk or deputy clerk thereof, any officer authorized by
36 [section] N.J.S.2A:8-28 [of this Title] to take bail, the chief of
37 police or other person acting in that capacity in any municipality
38 and the police officer in responsible charge of the police station
39 may, within the municipality wherein an offender may be
40 apprehended, administer or take any oath, acknowledgment,
41 complaint or affidavit to be used in the proceeding, issue
42 warrants and summonses, endorse warrants from other counties,
43 and upon arrest hold the accused to bail, the offense with which
44 he is charged beingailable, for his appearance before the
45 Superior Court[, the County Court, the county district court, any
46 criminal judicial district court] or any municipal court, in the
47 county at such time as he may direct.

48 Whenever a member of the police force appointed by the Port
49 of New York Authority serves the summons part of a uniform

1 traffic ticket, the member of such police force assigned to desk
2 duty at the Port Authority facility to which the officer serving
3 the summons is attached, may administer the oath required to be
4 taken to complete the complaint part of the said uniform traffic
5 ticket.

6 (cf: P.L.1957, c.123, s.1)

7 14. N.J.S.2A:8-28 is amended to read as follows:

8 2A:8-28. In any municipality, [the mayor or other chief
9 executive officer of the municipality or the municipal clerk or,
10 when so provided by resolution of the governing body of the
11 municipality, a recorder provided for and appointed solely for
12 such purpose, or in municipalities in which there is no municipal
13 court and for which no recorder has been appointed, a recorder or
14 such number of recorders as shall be designated by resolution of
15 the board of chosen freeholders of the county, appointed solely
16 for such purpose by the county district court judge or judges of
17 the county,] a judge of the Municipal Court shall have the power
18 in criminal cases to hold defendants to appear before the court
19 having jurisdiction to hear the matter by taking recognizances of
20 bail with surety or sureties in such reasonable sum as he may
21 deem fit and to forward the same to the said court before the
22 time of appearance therein mentioned. Any such power shall be
23 exercisable in the same manner and shall be subject to the same
24 limitations as in the case of the judge of the court before which
25 any such defendant is to appear. [Any resolution so providing for
26 a recorder shall fix his compensation, and his term shall be 3
27 years from the date of his appointment.]

28 (cf: N.J.S.2A:8-28)

29 15. Section 1 of P.L.1968, c. 460 (C.2A:8-42) is amended to
30 read as follows:

31 1. Any judgment assessing a penalty and any final judgment of
32 a municipal court, when not less than \$10.00, including costs,
33 remains due thereon, may be docketed by the municipality or
34 party recovering the same, his executors, administrators or
35 assigns, [either in the County Court of any county or directly] in
36 the Superior Court, in the manner and with the effect hereinafter
37 provided.

38 (cf: P.L.1968, c.460, s.1)

39 16. Section 3 of P.L.1968, c. 460 (C.2A:8-44) is amended to
40 read as follows.

41 3. The clerk [of each County Court or the clerk] of the Superior
42 Court [as the case may be,] shall require that there be filed in
43 his office a statement, signed by the clerk of the municipal court
44 in which the judgment was entered and sealed with the seal of
45 the municipal court, containing:

46 a. The name of the court,

47 b. The names of the parties to the action in which the
48 judgment was rendered,

49 c. The name of the attorney, if any, of the party in whose

1 favor the judgment was rendered,

2 d. The amount and date of the judgment and

3 e. The date of issue and return of execution, if any,

4 f. Which statement shall be accompanied by an affidavit of the
5 party, his attorney or agent, in whose favor the judgment was
6 rendered that, at the time of the filing of the statement a
7 certain stated amount, not less than \$10.00, was due on the
8 judgment.

9 Upon the filing of such statement, the clerk of the [County
10 Court or] Superior Court [, as the case may be,] shall enter in his
11 docket a transcript of the judgment in words at length,
12 containing the name of the municipal court in which the
13 judgment was rendered, the style of the action, the names in full
14 of the parties to the action, the name of the attorney, if any, of
15 the party in whose favor the judgment was rendered, the amount
16 recovered with costs, the substance of the return of the officer
17 serving the process, and the amount stated to be due in the
18 affidavit.

19 (cf: P.L.1968, c.460, s.3.)

20 17. Section 5 of P.L.1968, c. 460 (C.2A:8-46) is amended to
21 read as follows:

22 5. The clerk of [each County Court and the clerk of] the
23 Superior Court shall provide and keep a docket, in which shall be
24 entered, upon compliance with the provisions of this act, the
25 judgments to be docketed pursuant to this act. The docket of
26 the clerk of the Superior Court may be that one in which
27 judgments of other courts are docketed.

28 (cf: P.L.1968, c.460, s.5)

29 18. Section 6 of P.L.1968, c. 460 (C.2A:8-47) is amended to
30 read as follows:

31 6. The clerk of the [County Court and the clerk of the] Superior
32 Court shall [each] make and keep a complete alphabetical index
33 to the dockets required [by them] to be kept by this act.

34 The dockets and the indexes thereto shall be public records, to
35 which all persons desiring to examine the same shall have access.

36 (cf: P.L.1968, c.460, s.6)

37 19. Section 7 of P.L.1968, c. 460 (C.2A:8-48) is amended to
38 read as follows:

39 7. A judgment docketing in [a County Court or in] the Superior
40 Court in the manner herein provided shall, for the time of the
41 docketing, operate as though it were a judgment obtained in an
42 action originally commenced in the court wherein it has been
43 docketed.

44 (cf: P.L.1968, c.460, s.7)

45 20. Section 9 of P.L.1968, c. 460 (C.2A:8-50) is amended to
46 read as follows:

47 9. Execution may issue on a judgment docketed as herein
48 provided out of [either a County Court or] the Superior Court,
49 with the same effect as if issued on a judgment originally

1 obtained in the court wherein the judgment has been docketed.

2 (cf: P.L.1968, c.460, s.9)

3 21. Section 11 of P.L.1968, c. 460 (C.2A:8-52) is amended to
4 read as follows:

5 11. If a judgment has been docketed before the grant of a new
6 trial or an appeal taken, no execution shall issue thereon out of
7 [a County Court or] the Superior Court pending the final
8 determination of such proceedings.

9 (cf: P.L.1968, c. 460, s.11)

10 22. Section 12 of P.L.1968, c. 460 (C.2A:8-53) is amended to
11 read as follows:

12 ~~12. If a judgment has been docketed and execution issued~~
13 ~~thereon out of [a County Court or] the Superior Court before the~~
14 ~~grant of a new trial by the municipal court, the municipal court~~
15 ~~may nevertheless grant a new trial, and, if granted, no further~~
16 ~~proceedings shall be had on the execution pending the~~
17 ~~determination of a new trial.~~

18 (cf: P.L.1968, c.460, c.12)

19 23. Section 13 of P.L.1968, c. 460 (C.2A:8-54) is amended to
20 read as follows:

21 13. A judgment docketed as provided in this article may be
22 revived by proceedings in the [County Court or in the] Superior
23 Court in the same manner, in the like cases and with the like
24 effect as if such judgment had been obtained in an action
25 commenced in such court.

26 (cf: P.L.1968, c.460, s.13)

27 24. N.J.S.2A:10-3 is amended to read as follows:

28 2A:10-3. Every summary conviction and judgment, by the
29 Superior Court in the law division or chancery division or by [a
30 County Court or] any inferior court except the municipal court,
31 for a contempt, shall be reviewable by the appellate division of
32 the Superior Court and all convictions and judgments for
33 contempt by the municipal courts shall be reviewable by the
34 [County] Superior Court. Such review shall be both upon the law
35 and the facts and the court shall give such judgment as it shall
36 deem to be lawful and just under all the circumstances of the
37 case and shall enforce the same as it shall order.

38 (cf: P.L.1965, c. 161, s.1)

39 25. N.J.S.2A:10-4 is amended to read as follows:

40 2A:10-4. Upon the breach of the condition of any supersedeas
41 bond given to the clerk of [the county court or] any inferior
42 court in a contempt proceeding, ~~the county prosecutor of the~~
43 ~~county in which the bond is given shall prosecute the same to~~
44 ~~effect, in the name of the clerk, and shall pay the proceeds of the~~
45 ~~recovery thereon to the county treasurer, to be distributed by~~
46 ~~him according to law.~~

47 (cf: N.J.S.2A:10-4)

48 26. N.J.S.2A:10-5 is amended to read as follows:

49 2A:10-5. Any person who shall be adjudged in contempt of the

1 superior court [or county court] by reason of his disobedience to a
2 judgment, order or process of the court, shall, where the
3 contempt is primarily civil in nature and before he is discharged
4 therefrom, pay to the clerk of the court, [for the use of the state
5 or the county, as the case may be,] for every such contempt, a
6 sum not exceeding \$50 as a fine, to be imposed by the court,
7 together with the costs incurred.

8 (cf: N.J.S.2A:10-5)

9 27. N.J.S.2A:10-6 is amended to read as follows:

10 2A:10-6. A sheriff or other officer to whom any writ, process,
11 judgment or order of the superior court [or county court] is
12 directed or delivered, who shall be adjudged in contempt of the
13 court for failure to make return thereof or thereto, shall, before
14 he is discharged from his contempt pay to the clerk of the court
15 [for the use of the state or the county, as the case may be,] a sum
16 not exceeding \$50 as a fine, to be imposed by the court, together
17 with the costs incurred.

18 (cf: N.J.S.2A:10-6)

19 28. N.J.S.2A:10-7 is amended to read as follows:

20 2A:10-7. The [county courts, juvenile and domestic relations
21 courts, county district courts, county traffic courts, criminal
22 judicial district courts,] municipal courts [and park police courts]
23 in this state shall have full power to punish for contempt in any
24 case provided by [section] N.J.S.2A:10-1 [of this title].

25 (cf: N.J.S.2A:10-7)

26 29. N.J.S.2A:12-6 is amended to read as follows:

27 2A:12-6. The Administrative Director of the Courts is
28 authorized to distribute or cause to be distributed any bound
29 volumes of the New Jersey Reports and the New Jersey Superior
30 Court Reports heretofore or hereafter published and delivered to
31 him, as follows:

32 To each member of the Legislature, one copy of each volume
33 of such reports.

34 To the following named, for official use, to remain the
35 property of the State, the following number of copies of each
36 volume of such reports:

37 a. To the Governor, four copies;

38 b. To the Department of Law and Public Safety, for the
39 Division of Law, four copies; and the Division of Alcoholic
40 [Beverages] Beverage Control, one copy;

41 c. To the Department of the Treasury, for the State Treasurer,
42 one copy; the Division of Taxation, three copies; and the Division
43 of Local Government Services in the Department of Community
44 Affairs, one copy;

45 d. To the Department of State, one copy;

46 e. To the Department of Civil Service, one copy;

47 f. To the Department of Banking, one copy; and the
48 Department of Insurance, one copy;

49 g. To the Department of Public Utilities, one copy;

1 h. To the Department of Labor, for the commissioner, one
2 copy; the Division of Workers' Compensation, five copies; the
3 State Board of Mediation, one copy; and the Division of
4 Employment Security, three copies;

5 i. To the Department of Education, for the commissioner, one
6 copy; and the Division of the State Library, Archives and History,
7 60 copies, five of which shall be deposited in the Law Library,
8 and 55 of which shall be used by the director of the division in
9 sending one copy to the state library of each state and territory
10 of the United States, the same to be in exchange for the law
11 reports of such states and territories sent to said division, which
12 reports shall be deposited in and become part of the collection of
13 the Law Library;

14 j. To the Department of Transportation, one copy;

15 k. To the Department of Human Services, one copy; and the
16 Department of Corrections, one copy;

17 l. To each judge of the federal courts in and for the district of
18 New Jersey, one copy;

19 m. To each justice of the Supreme Court, one copy;

20 n. To each judge of the Superior Court, one copy;

21 o. To the Administrative Director of the Courts, one copy;

22 p. To each standing master of the Superior Court, one copy;

23 q. (Deleted by amendment, P.L.1983, c. 36)

24 r. To the clerk of the Supreme Court, one copy;

25 s. To the clerk of the Superior Court, one copy;

26 t. (Deleted by amendment, P.L.1983, c. 36)

27 u. (Deleted by amendment, P.L.1983, c. 36)

28 v. [To each judge of a juvenile and domestic relations court,
29 one copy;] (Deleted by amendment, P.L. , c.)

30 w. [To each judge of a county district court, one copy;]
31 (Deleted by amendment, P.L. , c.)

32 x. To each county prosecutor, one copy;

33 y. To the [Division of Legal Services] Central Management Unit
34 in the Office of Legislative Services, one copy;

35 z. To each surrogate, one copy;

36 aa. To each county clerk, one copy;

37 ab. To each sheriff, one copy;

38 ac. To Rutgers, The State University, two copies; and the law
39 schools, five copies each;

40 ad. To the law school of Seton Hall University, five copies;

41 ae. To Princeton University, two copies;

42 af. To the Library of Congress, four copies;

43 ag. To the New Jersey Historical Society, one copy;

44 ah. To every library provided by the board of chosen
45 freeholders of any county at the courthouse in each county, one
46 copy;

47 ai. To the library of every county bar association in this State.
48 one copy;

49 aj. To each incorporated library association in this State.

1 which has a law library at the county seat of the county in which
2 it is located, one copy;

3 ak. To each judge of the tax court, one copy.

4 The remaining copies of such reports shall be retained by the
5 administrative director for the use of the State and for such
6 further distribution as he may determine upon.

7 (cf: P.L.1983, c.36, s.1)

8 30. N.J.S.2A:15-35 is amended to read as follows:

9 2A:15-35. When service of process is authorized to be made
10 under this article upon the Secretary of State or Commissioner of
11 Banking [and] or the Commissioner of Insurance in the case of any
12 foreign corporation or association [and (a) the action is
13 commenced in the County Court of any county], then the sheriff
14 or [officer of the county, or (b) the action is commenced in the
15 county district court of any county, then] the clerk [thereof] of
16 the court in which the action is commenced may serve the
17 Secretary of State or Commissioner of Banking [and] or the
18 Commissioner of Insurance, as the case may be, by mailing to
19 him, by registered mail, a copy of the summons and complaint
20 with the fee prescribed by law. Service thereof shall be as
21 effectual to bring such corporation or association into court as
22 though the same were served in the county. The Secretary of
23 State or Commissioner of Banking [and] or the Commissioner of
24 Insurance, upon giving notice to the defendant of the service of
25 process as required by this article, shall file with the clerk of the
26 court his certificate of the notice given.

27 (cf: P.L.1953, c.56, s.1)

28 31. N.J.S.2A:15-38 is amended to read as follows:

29 2A:15-38. From the time of the entry of the order for
30 publication provided for by [section] N.J.S.2A:15-37 [of this
31 title], the action[, if it is in the superior court,] shall be and
32 remain a lien on the real estate to which the corporation was
33 then entitled in the state[, or, if the action is in the county court
34 of any county, then on the real estate to which it was then
35 entitled in the county].

36 After the time of the entry of the order for publication, the
37 corporation shall not convey or in any manner alienate any real
38 estate above-mentioned, [in the state or county, as the case may
39 be,] until the plaintiff in the action is satisfied of his demand or
40 judgment is entered for defendant. If such real estate is
41 conveyed or aliened after such time, it may be sold on execution
42 or otherwise, as if no conveyance or alienation had been made.

43 (cf: N.J.S.2A:15-38)

44 32. N.J.S.2A:15-62 is amended to read as follows:

45 2A:15-62. If an action cognizable before the [county district
46 court of any county] Superior Court, Law Division, Special Civil
47 Part is brought in the Superior Court [and the venue is laid in the
48 county,] Law Division and if the plaintiff obtains judgment for an
49 amount not exceeding [\$5,000.00,] the jurisdictional limit of the

1 Special Civil Part exclusive of costs, [he shall not be entitled to
2 costs, unless the parties resided in different counties when the
3 action was commenced, in which event he] the plaintiff may be
4 allowed costs, but not exceeding the amount allowable in the
5 [county district court] Special Civil Part.

6 This section shall not extend to any action in which the title to
7 real estate may, in any way, come in question, nor to any action
8 in which the judge before whom it is tried shall, immediately
9 after the verdict or the finding, certify that, in his judgment, the
10 action should have been brought in the [court] division and part of
11 the Superior Court in which it was instituted.

12 (cf: P.L.1981, c.223, s.6)

13 33. N.J.S.2A:15-67 is amended to read as follows:

14 2A:15-67. Where in any action in the superior court [or a
15 county court] any plaintiff or any party asserting a counterclaim,
16 cross-claim or third-party claim is a nonresident, he shall, if, at
17 any time before trial, notice is given to him by an opposing party
18 demanding security for costs, give bond in favor of the opposing
19 party, or, if there is more than 1 making the demand, in favor of
20 each of them, in the sum of \$100, with sufficient surety,
21 conditioned to prosecute the action with effect and to pay costs
22 if the action is dismissed or judgment passes against him. If
23 there is more than 1 plaintiff or claimant, they may give bond
24 jointly in the sum of \$100, all as aforesaid.

25 If the surety on the bond is an individual and not a corporation,
26 he shall be a resident of this state.

27 The bond shall be filed in the office of the clerk of the court
28 [in which the action is pending].

29 (cf: N.J.S.2A:15-67)

30 34. N.J.S.2A:16-3 is amended to read as follows:

31 2A:16-3. If appellant, in an appeal from a judgment of the
32 superior [or a county] court, deposits with the clerk of the court
33 [in which the judgment appealed from was rendered] such an
34 amount as shall be deemed by that court to be sufficient, as
35 security for the payment of such amount as may finally be
36 determined to be due in the action, the court may by order
37 discharge the real estate of appellant from the lien of the
38 judgment appealed from.

39 The amount deposited shall be subject to the lien of the
40 judgment appealed from and of any subsequent judgment
41 recovered in the action, and shall be retained by the clerk until
42 the final determination of the action.

43 When the order has been filed and the deposit made as
44 required, the clerk shall enter in the margin of the record of the
45 judgment or at a discernible place at the entry of the judgment,
46 the words "lien of judgment discharged by order of the court,"
47 with the date of the discharge. Thereupon and thereafter the
48 real estate of appellant shall be absolutely discharged and freed
49 from any claim on account of the judgment appealed from or the

1 action in which the judgment was rendered.

2 (cf: N.J.S.2A:16-3)

3 35. N.J.S.2A:16-11 is amended to read as follows:

4 2A:16-11. The Clerk of the Superior Court shall keep a book
5 known as a civil judgment and order docket in which shall be
6 entered, without any request, an abstract of each judgment or
7 order for the payment of money, including a judgment or order to
8 pay counsel fees and other fees or costs, entered from, or made
9 in, the Superior Court. A judgment of the Special Civil Part of
10 the Law Division shall not be entered unless it is docketed in the
11 manner specifically provided for Special Civil Part judgments. A
12 judgment or order for the payment of money is one which has
13 been reduced to a fixed dollar amount. Any judgment for
14 periodic payments where a total amount has not been fixed shall
15 not be considered as having been reduced to a fixed dollar amount
16 unless a judgment fixing arrearages has been entered.

17 The entry required by this section shall constitute the record of
18 the judgment, order or decree and a transcript thereof duly
19 certified by the clerk of the court shall be a plenary evidence of
20 such judgment, order or decree.

21 The clerk shall also make an entry upon the civil judgment and
22 order docket indicating the nature of every judgment or order and
23 an entry on return showing execution of process and the date
24 when such judgment or order was entered.

25 (cf: P.L.1983, c. 299, s.1)

26 36. N.J.S.2A:16-33 is amended to read as follows:

27 2A:16-33. Where an appeal is taken from a municipal court in a
28 civil action to the [county court of the county or has been taken
29 from a small cause court to the court of common pleas or the
30 county court of the county,] Superior Court, the judgment of the
31 court on appeal shall not be binding on real estate unless an
32 order is or has been entered in the minutes of the [county court]
33 Superior Court [or the court of common pleas] directing the
34 judgment to be recorded. From the time of the entry of the
35 order, the judgment binds and shall bind all real estate of the
36 judgment debtor in the [county] State.

37 Such order may be entered at any time without notice. When
38 entered, the judgment shall be recorded and indexed as other
39 judgments of the court.

40 (cf: N.J.S.2A:16-33)

41 37. N.J.S.2A:16-44 is amended to read as follows:

42 2A:16-44. All postponements of the lien of judgments
43 appearing of record in the office of the clerk of the superior
44 court [or any county court] shall contain a full description of the
45 property as to which the judgment lien is proposed to be
46 postponed, together with the book and page of the record of the
47 judgment to be postponed.

48 (cf: N.J.S.2A:16-44)

49 38. N.J.S.2A:16-48 is amended to read as follows:

1 2A:16-48. When the sheriff or other officer returns, satisfied,
2 execution issued on any judgment recovered or docketed in the
3 superior court, law division, [or county court, law division,] the
4 clerk of the court issuing the execution shall enter "cancelled by
5 execution returned, satisfied." Upon request the clerk shall tax
6 the fee duly received by him as part of the execution fees.

7 (cf: N.J.S.2A:16-48)

8 39. N.J.S.2A:17-7 is amended to read as follows:

9 2A:17-7. Execution on a judgment of [a county court] the
10 Superior Court on appeal from a municipal court may issue
11 immediately on the entry of the judgment.

12 (cf: N.J.S.2A:17-7)

13 ¹40. N.J.S.2A:17-17 is amended to read as follows:

14 2A:17-17. All real estate shall be liable to be levied upon and
15 sold by executions to be issued on judgments obtained in any
16 court of record in this State, except [county district courts] the
17 Superior Court, Law Division, Special Civil Part, for the payment
18 and satisfaction of the debt, damages, sum of money and costs so
19 recovered or to be recovered; but no real estate of any testator
20 or intestate shall be sold or in anywise affected by any judgment
21 or execution against executors or administrators. No judgment
22 obtained for the payment and satisfaction of any employment
23 wage tax, including penalties, shall be enforced pursuant to this
24 section.¹

25 (cf:P.L.1981, c.548, s.1)

26 ¹[40.] 41.¹ N.J.S.2A:17-29 is amended to read as follows:

27 2A:17-29. When, by virtue of an execution issued out of any
28 court of this state, goods or chattels are levied on or taken into
29 possession by a sheriff or other authorized officer, and claim is
30 made thereto by a person other than the execution defendant, by
31 notice in writing delivered to the officer executing the writ, the
32 officer shall immediately delay his sale thereunder for 10 days, to
33 enable the claimant to institute an action to establish the claim
34 in said court [or the county court of the county wherein the goods
35 and chattels were seized]. The action shall proceed in a summary
36 manner and shall be tried by jury, unless a jury be waived by the
37 parties to the action.

38 (cf: N.J.S.2A:17-29)

39 ¹[41.] 42.¹ N.J.S.2A:17-50 is amended to read as follows:

40 2A:17-50. When a judgment has been recovered in the Superior
41 Court, [a County Court or county district court] and where any
42 wages, debts, earnings, salary, income from trust funds, or profits
43 are due and owing to the judgment debtor, or thereafter become
44 due and owing to him, to the amount of \$48.00 or more a week,
45 the judgment creditor may, on notice to the judgment debtor
46 unless the court otherwise orders, apply to the court in which the
47 judgment was recovered, or to the court having jurisdiction of
48 the same, and upon satisfactory proofs, by affidavit or otherwise,
49 of such facts, the court shall grant an order directing that an

1 execution issue against the wages, debts, earnings, salary, income
2 from trust funds, or profits of the judgment debtor.

3 (cf: P.L.1969, c.92, s.1)

4 ¹[42.] 43.¹ N.J.S.2A:17-59 is amended to read as follows:

5 2A:17-59. Rights and credits of a defendant in execution, or
6 within his custody or control as a representative if he is sued in a
7 representative capacity, may be levied upon, taken and sold or
8 collected by virtue of such execution, where the judgment is
9 entered or docketed in the superior [court, a county court or a
10 county district] court.

11 (cf: N.J.S.2A:17-59)

12 ¹[43.] 44.¹ N.J.S.2A:17-64 is amended to read as follows:

13 2A:17-64. If it is made to appear that the judgment debtor is
14 entitled to, or is in receipt of, an income or any property or
15 money or things in action, or rights and credits, including such
16 income as is derived from federal, state, county, municipal or
17 other governmental sources, but not income or property as is
18 recovered or exempt by law, the superior court[, a county court
19 or a county district court out of which the execution issued,] may
20 direct the judgment debtor to make payments at stated periods in
21 installments, and upon such terms and conditions as the court
22 may direct, out of the same, on account of the unsatisfied
23 judgment. Application may be made at any time on behalf of the
24 judgment creditor, his executor, administrator or assignee, or the
25 judgment debtor, to modify the terms of such order, and the
26 court may make such modification.

27 (cf: N.J.S.2A:17-64)

28 ¹[44.] 45.¹ N.J.S.2A:17-65 is amended to read as follows:

29 2A:17-65. In aid of execution, the superior court [or county
30 court, or, subject to section 2A:18-30 of this title, the county
31 district court, out of which the execution issued,] upon proof by
32 the oath of the party or his or its agent or attorney or of any
33 other person, showing facts establishing that the judgment debtor
34 has property or any person owes him or it, or holds money or
35 property in possession or action in trust for him or it, or for his or
36 its use over and above such property as is exempt or reserved by
37 law, may make an order forbidding the payment of such debt, or
38 the transfer of such property or money by or to such debtor, or
39 any third person until the further order of the court. The term
40 "property" shall include rights and credits as defined in article 8
41 of this title.

42 (cf: N.J.S.2A:17-65)

43 ¹[45.] 46.¹ N.J.S.2A:17-66 is amended to read as follows:

44 2A:17-66. In aid of execution, the superior court [or county
45 court, or, subject to section 2A:18-30 of this title, the county
46 district court, out of which the execution issued] may, on
47 application of either the judgment creditor or the defendant and
48 in its discretion, order the appointment of a receiver of the
49 property and things in action belonging or due to or held in trust

1 for the judgment debtor as aforesaid, at the time of the recovery
2 of the judgment or at any time thereafter. The court may, at any
3 time and in its discretion, order the receiver to give bond for the
4 faithful performance of his duties, in an amount and with such
5 security as it may by order prescribe.

6 (cf: N.J.S.2A:17-66)

7 ¹[46.] 47.¹ N.J.S.2A:18-16 is amended to read as follows:

8 2A:18-16. Either party to any action commenced in [a county
9 district court] the Superior Court, Law Division, Special Civil
10 Part may demand a trial by jury.

11 (cf: N.J.S.2A:18-16)

12 ¹[47.] 48.¹ N.J.S.2A:18-32 is amended to read as follows:

13 2A:18-32. Any final judgment of [a county district court,] the
14 Special Civil Part when not less than \$10, including costs,
15 remains due thereon, may be docketed by the party recovering
16 the same, his executors, administrators or assigns, [either in the
17 county court of any county or directly in the superior court,] with
18 the Clerk of the Superior Court in the manner and with the effect
19 hereinafter provided.

20 Any judgment recovered in [a county district court] the Special
21 Civil Part in an action against any heir or devisee of a decedent
22 by creditors of the decedent may be general or special [as in a
23 like action in the county court,] and it may be docketed [[in the
24 county court,] with the Clerk of the Superior Court and execution
25 issued thereon in the same manner as if the action had originally
26 been instituted in the [county court] Law Division.

27 This section shall not apply to judgments recovered in [a county
28 district court] the Special Civil Part in actions to enforce a
29 mechanic's lien claim, which shall be docketed as required by the
30 mechanic's lien law.

31 (cf: N.J.S.2A:18-32)

32 ¹49. N.J.S.2A:18-27 is amended to read as follows:

33 2A:18-27. A writ of execution issued out of [a county district
34 court] the Superior Court, Law Division, Special Civil Part shall
35 remain valid and effective for the purpose of a levy, and shall be
36 operative and effective against any goods and chattels levied
37 upon, for 1 year from the date of its issuance, unless sooner
38 satisfied. Thereafter it shall be void. The officer shall make a
39 return to the clerk of the proceedings had by him on such writ
40 forthwith after a satisfaction thereof, otherwise within 1 year.¹

41 (cf: N.J.S.2A:18-27)

42 ¹50. N.J.S.2A:18-29 is amended to read as follows:

43 2A:18-29. If, by reason of the negligence of an officer in the
44 performance of any of the duties imposed upon him [by this
45 article] respecting an execution for the Superior Court, Law
46 Division, Special Civil Part, the execution creditor fails to
47 recover the amount, or any part thereof, to which he is entitled
48 under the execution, with costs, the officer shall be liable to the
49 execution creditor therefor, recoverable in an action of contract.

1 with double costs.¹

2 (cf: N.J.S.2A:18-29)

3 ¹[48.] 51.¹ N.J.S.2A:18-33 is amended to read as follows:

4 2A:18-33. During the pendency of a motion for a new trial, or
5 an appeal, a judgment of [a county district court] the Superior
6 Court, Law Division, Special Civil Part may be docketed unless
7 otherwise ordered by the trial or appellate court.

8 (cf: N.J.S.2A:18-33)

9 ¹[49.] 52.¹ N.J.S.2A:18-34 is amended to read as follows:

10 2A:18-34. The clerk of [each county court or the clerk of] the
11 superior court, [as the case may be,] shall require that there be
12 filed in his office a statement, signed by the clerk of the [county
13 district court] Special Civil Part in which the judgment was
14 entered [and sealed with the seal of the county district court,]
15 containing:

16 a. The name of the court,

17 b. The names of the parties to the action in which the judgment
18 was rendered,

19 c. The name of the attorney, if any, of the party in whose favor
20 the judgment was rendered,

21 d. The amount and date of the judgment and

22 e. The date of issue and return of execution, if any,

23 f. Which statement shall be accompanied by an affidavit of the
24 party, his attorney or agent, in whose favor the judgment was
25 rendered that, at the time of the filing of the statement a certain
26 stated amount, not less than \$10, was still due on the judgment.

27 Upon the filing of such statement, the clerk of the [county
28 court or] superior court [, as the case may be,] shall enter in his
29 docket a transcript of the judgment in words at length, containing
30 the [name of the county district court] Special Civil Part in which
31 the judgment was rendered, the style of the action, the names in
32 full of the parties to the action, the name of the attorney, if any,
33 of the party in whose favor the judgment was rendered, the
34 amount recovered with costs, the substance of the return of the
35 officer serving the process, and the amount stated to be due in
36 the affidavit.

37 (cf: N.J.S.2A:18-34)

38 ¹[50.] 53.¹ N.J.S.2A:18-35 is amended to read as follows:

39 2A:18-35. It shall not be necessary, before obtaining the
40 statement mentioned in this article, that execution issue out of
41 and be returned into the [county district court] Superior Court,
42 Law Division, Special Civil Part. The statement may be made and
43 filed at any time after judgment entered in [the county district]
44 that court, with the same effect as if execution had been issued
45 and returned. If, however, execution has issued, the statement
46 shall not be made and filed before a return has been made to the
47 execution.

48 (cf: N.J.S.2A:18-35)

49 ¹[51.] 54.¹ N.J.S.2A:18-36 is amended to read as follows:

1 2A:18-36. The clerk of [each county court and the clerk of] the
2 superior court shall provide and keep a docket, in which shall be
3 entered, upon compliance with the provisions of this article, the
4 judgments to be docketed pursuant to this article. The docket of
5 the clerk of the superior court may be that one in which
6 judgments of other courts are docketed.

7 (cf: N.J.S.2A:18-36)

8 ¹[52.] 55.¹ N.J.S.2A:18-37 is amended to read as follows:

9 2A:18-37. The clerk of [the county court and the clerk of] the
10 superior court shall [each] make and keep a complete alphabetical
11 index to the dockets required [by them] to be kept by this
12 article.

13 The dockets and the indexes thereto shall be public records, to
14 which all persons desiring to examine the same shall have access.

15 (cf: N.J.S.2A:18-37)

16 ¹[53.] 56.¹ N.J.S.2A:18-38 is amended to read as follows:

17 2A:18-38. A judgment docketed in [a county court or in] the
18 superior court in the manner herein provided shall, from the time
19 of its docketing, operate as though it were a judgment obtained in
20 an action originally commenced in the [court wherein it has been
21 docketed] Superior Court other than in the Special Civil Part.

22 (cf: N.J.S.2A:18-38)

23 ¹[54.] 57.¹ N.J.S.2A:18-39 is amended to read as follows:

24 2A:18-39. Satisfaction of a judgment docketed as herein
25 provided may be entered in the same manner and upon the same
26 evidence in which satisfaction of an original judgment of [either a
27 county court or the superior court is entered] the Superior Court
28 other than of the Special Civil Part.

29 (cf: N.J.S.2A:18-39)

30 ¹[55.] 58.¹ N.J.S.2A:18-40 is amended to read as follows:

31 2A:18-40. Execution may issue on a judgment docketed as
32 herein provided out of [either a county court or] the superior
33 court, with the same effect as to the real and personal property
34 of the judgment debtor as if issued on a judgment originally
35 obtained in the [court wherein the judgment has been docketed]
36 the Superior Court other than in the Special Civil Part.

37 (cf: N.J.S.2A:18-40)

38 ¹[56.] 59.¹ N.J.S.2A:18-41 is amended to read as follows:

39 2A:18-41. After a judgment has been docketed as herein
40 provided, no execution shall issue in the [county district court]
41 Special Civil Part. The [county district] ~~Special Civil Part~~ shall
42 have original jurisdiction with respect to the granting of a new
43 trial, the taking of an appeal or any other matter affecting the
44 validity of the original judgment. Any order in connection with
45 the validity of a judgment shall be filed in both the Superior
46 Court and [the county district court] in the Special Civil Part.

47 (cf: P.L.1979, c.416)

48 ¹[57.] 60.¹ N.J.S.2A:18-42 is amended to read as follows:

49 2A:18-42. If a judgment has been docketed before the grant of

1 a new trial or an appeal taken, no execution shall issue thereon
2 [out of a county court or the superior court] pending the final
3 determination of such proceedings.

4 (cf: N.J.S.2A:18-42)

5 ¹[58.] 61.¹ N.J.S.2A:18-43 is amended to read as follows:

6 2A:18-43. If a judgment has been docketed and execution
7 issued thereon [out of a county court or the superior court] before
8 the grant of a new trial by the [county district court] Special
9 Civil Part, the [county district court] Special Civil Part may
10 nevertheless grant a new trial, and, if granted, no further
11 proceedings shall be had on the execution pending the
12 determination of the new trial.

13 (cf: N.J.S.2A:18-43)

14 ¹[59.] 62.¹ N.J.S.2A:18-44 is amended to read as follows:

15 2A:18-44. A judgment docketed as provided in this article may
16 be revived by proceedings in the [county court or in the] superior
17 court in the same manner, in the like cases and with the like
18 effect as if such judgment had been obtained in an action
19 commenced in [such court] the Superior Court other than in the
20 Special Civil Part.

21 (cf: N.J.S.2A:18-44)

22 ¹[60.] 63.¹ N.J.S.2A:18-51 is amended to read as follows:

23 2A:18-51. If real estate is leased by an agent of the owner
24 thereof, in his own name or as agent, the owner, his assignee or
25 grantee may terminate the tenancy as the agent might do. The
26 owner or his duly authorized agent, assignee or grantee may
27 institute and maintain proceedings [in any county district court]
28 to recover the possession or the rentals thereof in their own
29 names or in the name of the former agent, in the same manner
30 and with the same effect as though the real estate had been
31 leased in their own names.

32 (cf: N.J.S.2A:18-51)

33 ¹[61.] 64.¹ N.J.S.2A:18-53 is amended to read as follows:

34 2A:18-53. Except for residential lessees and tenants included in
35 section 2 of this act, any lessee or tenant at will or at
36 sufferance, or for a part of a year, or for 1 or more years, of any
37 houses, buildings, lands or tenements, and the assigns,
38 undertenants or legal representatives of such tenant or lessee,
39 may be removed from such premises by the [county district court
40 of the county within which such premises are situated,] Superior
41 Court, Law Division, Special Civil Part in an action in the
42 following cases:

43 a. Where such person holds over and continues in possession of
44 all or any part of the demised premises after the expiration of
45 his term, and after demand made and written notice given by the
46 landlord or his agent, for delivery of possession thereof. The
47 notice shall be served either personally upon the tenant or such
48 person in possession by giving him a copy thereof or by leaving a
49 copy of the same at his usual place of abode with a member of his

1 family above the age of 14 years.

2 b. Where such person shall hold over after a default in the
3 payment of rent, pursuant to the agreement under which the
4 premises are held.

5 c. Where such person (1) shall be so disorderly as to destroy
6 the peace and quiet of the landlord or the other tenants or
7 occupants living in said house or the neighborhood, or (2) shall
8 willfully destroy, damage or injure the premises, or (3) shall
9 constantly violate the landlord's rules and regulations governing
10 said premises, provided, such rules have been accepted in writing
11 by the tenant or are made a part of the lease; or (4) shall
12 commit any breach or violation of any of the covenants or
13 agreements in the nature thereof contained in the lease for the
14 premises where a right of re-entry is reserved in the lease for a
15 violation of such covenants or agreements, and shall hold over
16 and continue in possession of the demised premises or any part
17 thereof, after the landlord or his agent for that purpose has
18 caused a written notice of the termination of said tenancy to be
19 served upon said tenant, and a demand that said tenant remove
20 from said premises within 3 days from the service of such
21 notice. The notice shall specify the cause of the termination of
22 the tenancy, and shall be served either personally upon the
23 tenant or such person in possession by giving him a copy thereof,
24 or by leaving a copy thereof at his usual place of abode with
25 some member of his family above the age of 14 years.

26 (cf: P.L.1974, c.49, s.1)

27 ¹[62.] 65.¹ Section 1. of P.L.1983, c.446 (C.2A:18-59.1) is
28 amended to read as follows:

29 1. Notwithstanding the provisions of any other law to the
30 contrary, the [county district court or the] Superior Court may
31 authorize and review one year stays of eviction during which the
32 tenant shall be entitled to renew the lease at its term of
33 expiration, subject to reasonable changes proposed to the tenant
34 by the landlord in written notice, whenever:

35 a. The tenant fulfills all the terms of the lease and removal is
36 sought under subsection a. of N.J.S.2A:18-53 where a residential
37 tenant holds over after written notice for delivery of possession;
38 and

39 b. The tenant has a terminal illness which illness has been
40 certified by a licensed physician; and

41 c. There is substantial likelihood that the tenant would be
42 unable to search for, rent and move to a comparable alternative
43 rental dwelling unit without serious medical harm; and

44 d. The tenant has been a tenant of the landlord for a least two
45 years prior to the issuance of the stay.

46 In reviewing a petition for a stay of eviction; the court shall
47 specifically consider whether the granting of the stay of eviction
48 would cause an undue hardship to the landlord because of the
49 landlord's financial condition or any other factor relating to the

1 landlord's ownership of the premises.

2 (cf: P.L.1983, c.446, s.1)

3 ¹[63.] 66.¹ N.J.S.2A:18-60 is amended to read as follows:

4 2A:18-60. At any time before an action for the removal of a
5 tenant comes on for trial, either the landlord or person in
6 possession may apply to the superior court, which may, if it
7 deems it of sufficient importance, order the cause transferred
8 from the [county district court] Special Civil Part to the [superior
9 court] Law Division. [Upon the filing of a copy of said order with
10 the clerk of the county district court, he shall forthwith forward
11 all papers filed in the proceeding to the clerk of the superior
12 court which court shall thereupon have full and exclusive
13 jurisdiction of the case.]

14 (cf: N.J.S.2A:18-60)

15 ¹[64.] 67.¹ N.J.S.2A:18-61 is amended to read as follows:

16 2A:18-61. A summary action for the removal of a tenant,
17 commenced in [a county district court,] the Special Civil Part
18 but transferred to the [superior court,] Law Division shall be tried
19 before a jury, unless a jury is waived. [The judgment of the
20 superior court in the action shall be appealable.]

21 (cf: N.J.S.2A:18-61)

22 ¹[65.] 68.¹ Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is
23 amended to read as follows:

24 2. No lessee or tenant or the assigns, under-tenants or legal
25 representatives of such lessee or tenant may be removed by the
26 [county district court or the] Superior Court from any house,
27 building, mobile home or land in a mobile home park or tenement
28 leased for residential purposes, other than owner-occupied
29 premises with not more than two rental units or a hotel, motel or
30 other guest house or part thereof rented to a transient guest or
31 seasonal tenant, except upon establishment of one of the
32 following grounds as good cause:

33 a. The person fails to pay rent due and owing under the lease
34 whether the same be oral or written;

35 b. The person has continued to be, after written notice to
36 cease, so disorderly as to destroy the peace and quiet of the
37 occupants or other tenants living in said house or neighborhood;

38 c. The person has willfully or by reason of gross negligence
39 caused or allowed destruction, damage or injury to the premises;

40 d. The person has continued, after written notice to cease, to
41 substantially violate or breach any of the landlord's rules and
42 regulations governing said premises, provided such rules and
43 regulations are reasonable and have been accepted in writing by
44 the tenant or made a part of the lease at the beginning of the
45 lease term;

46 e. The person has continued, after written notice to cease, to
47 substantially violate or breach any of the covenants or
48 agreements contained in the lease for the premises where a right
49 of reentry is reserved to the landlord in the lease for a violation

1 of such covenant or agreement, provided that such covenant or
2 agreement is reasonable and was contained in the lease at the
3 beginning of the lease term;

4 f. The person has failed to pay rent after a valid notice to quit
5 and notice of increase of said rent, provided the increase in rent
6 is not unconscionable and complies with any and all other laws or
7 municipal ordinances governing rent increases;

8 g. The landlord or owner (1) seeks to permanently board up or
9 demolish the premises because he has been cited by local or State
10 housing inspectors for substantial violations affecting the health
11 and safety of tenants and it is economically unfeasible for the
12 owner to eliminate the violations; (2) seeks to comply with local
13 or State housing inspectors who have cited him for substantial
14 violations affecting the health and safety of tenants and it is
15 unfeasible to so comply without removing the tenant;
16 simultaneously with service of notice of eviction pursuant to this
17 clause, the landlord shall notify the Department of Community
18 Affairs of the intention to institute proceedings and shall provide
19 the department with such other information as it may require
20 pursuant to rules and regulations. The department shall inform
21 all parties and the court of its view with respect to the feasibility
22 of compliance without removal of the tenant and may in its
23 discretion appear and present evidence; (3) seeks to correct an
24 illegal occupancy because he has been cited by local or State
25 housing inspectors and it is unfeasible to correct such illegal
26 occupancy without removing the tenant; or (4) is a governmental
27 agency which seeks to permanently retire the premises from the
28 rental market pursuant to a redevelopment or land clearance plan
29 in a blighted area. In those cases where the tenant is being
30 removed for any reason specified in this subsection, no warrant
31 for possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et
32 seq.) and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied
33 with;

34 h. The owner seeks to retire permanently the residential
35 building or the mobile home park from residential use or use as a
36 mobile park, provided this paragraph shall not apply to
37 circumstances covered under ²[paragraph] subsection² g. of this
38 section;

39 i. The landlord or owner proposes, at the termination of a
40 lease, reasonable changes of substance in the terms and
41 conditions of the lease, including specifically any change in the
42 term thereof, which the tenant, after written notice, refuses to
43 accept; provided that in cases where a tenant has received a
44 notice of termination pursuant to ²subsection g. of² section 3
45 ²[g.]² of P.L.1974, c.49 (C.2A:18-61.2), or has a protected
46 tenancy status pursuant to section 9 of the "Senior Citizens and
47 Disabled Protected Tenancy Act," P.L.1981, c.226
48 (C.2A:18-61.22 et seq.) the landlord or owner shall have the
49 burden of proving that any change in the terms and conditions of

1 the lease, rental or regulations both is reasonable and does not
2 substantially reduce the rights and privileges to which the tenant
3 was entitled prior to the conversion;

4 j. The person, after written notice to cease, has habitually and
5 without legal justification failed to pay rent which is due and
6 owing;

7 k. The landlord or owner of the building or mobile home park is
8 converting from the rental market to a condominium, cooperative
9 or fee simple ownership of two or more dwelling units or park
10 sites, except as hereinafter provided in subsection l.²of this
11 section.² Where the tenant is being removed pursuant to this
12 subsection, no warrant for possession shall be issued until this act
13 has been complied with. No action for possession shall be brought
14 pursuant³ to this subsection against a senior citizen tenant or
15 disabled tenant with protected tenancy status pursuant to the
16 "Senior Citizens and Disabled Protected Tenancy Act,"
17 ²[P.L.[1981], c.[226] (C.[2A:18-61.22 et seq.])] P.L.1981, c.226
18 (C.2A:18-61.22 et al.)², as long as the agency has not terminated
19 the protected tenancy status or the protected tenancy period has
20 not expired;

21 l. (1) The owner of a building or mobile home park, which is
22 constructed as or being converted to a condominium, cooperative
23 or fee simple ownership, seeks to evict a tenant or sublessee
24 whose initial tenancy began after the master deed, agreement
25 establishing the cooperative or subdivision plat was recorded,
26 because the owner has contracted to sell the unit to a buyer who
27 seeks to personally occupy it and the contract for sale calls for
28 the unit to be vacant at the time of closing. However, no action
29 shall be brought against a tenant under paragraph (1) of this
30 subsection unless the tenant was given a statement in accordance
31 with section 6 of ²[this amendatory act] P.L.1975, c.311
32 (C.2A:18-61.9)²;

33 (2) The owner of three or less condominium or cooperative
34 units seeks to evict a tenant whose initial tenancy began by
35 rental from an owner of three or less units after the master deed
36 or agreement establishing the cooperative was recorded, because
37 the owner seeks to personally occupy the unit, or has contracted
38 to sell the unit to a buyer who seeks to personally occupy it and
39 the contract for sale calls for the unit to be vacant at the time of
40 closing;

41 (3) The owner of a building of three residential units or less
42 seeks to personally occupy a unit, or has contracted to sell the
43 residential unit to a buyer who wishes to personally occupy it and
44 the contract for sale calls for the unit to be vacant at the time of
45 closing;

46 m. The landlord or owner conditioned the tenancy upon and in
47 consideration for the tenant's employment by the landlord or
48 owner as superintendent, janitor or in some other capacity and
49 such employment is being terminated.

1 2n. The person has been convicted of or pleaded guilty to, or if
2 a juvenile, has been adjudicated delinquent on the basis of an act
3 which if committed by an adult would constitute an offense under
4 the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1
5 et al. involving the use, possession, manufacture, dispensing or
6 distribution of a controlled dangerous substance, controlled
7 dangerous substance analog or drug paraphernalia within the
8 meaning of that act within or upon the leased premises or the
9 building or complex of buildings and land appurtenant thereto, or
10 the mobile home park, in which those premises are located, and
11 ~~has not in connection with his sentence for that offense either (1)~~
12 ~~successfully completed or (2) been admitted to and continued~~
13 ~~upon probation while completing, a drug rehabilitation program~~
14 ~~pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such~~
15 ~~leased premises, knowingly harbors therein a person who has been~~
16 ~~so convicted or has so pleaded, or otherwise permits such a~~
17 ~~person to occupy those premises for residential purposes, whether~~
18 ~~continuously or intermittently, except that this subsection shall~~
19 ~~not apply to a person who harbors or permits a juvenile to occupy~~
20 ~~the premises if the juvenile has been adjudicated delinquent upon~~
21 ~~the basis of an act which if committed by an adult would~~
22 ~~constitute the offense of use or possession under the said act.~~

23 o. The person has been convicted of or pleaded guilty to, or if a
24 juvenile, has been adjudicated delinquent on the basis of an act
25 which if committed by an adult would constitute an offense under
26 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic
27 threats against the landlord, a member of the landlord's family
28 or an employee of the landlord; or, being the tenant or lessee of
29 such leased premises, knowingly harbors therein a person who has
30 ~~been so convicted or has so pleaded, or otherwise permits such a~~
31 ~~person to occupy those premises for residential purposes, whether~~
32 ~~continuously or intermittently.~~

33 p. The person has been found, by a preponderance of the
34 evidence, liable in a civil action for removal commenced under
35 this act for an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3
36 involving assault or terroristic threats against the landlord, a
37 member of the landlord's family or an employee of the landlord,
38 or under the "Comprehensive Drug Reform Act of 1987,"
39 N.J.S.2C:35-1 et al., involving the use, possession, manufacture,
40 dispensing or distribution of a controlled dangerous substance,
41 controlled dangerous substance analog or drug paraphernalia
42 within the meaning of that act within or upon the leased premises
43 or the building or complex of buildings and land appurtenant
44 thereto, or the mobile home park, in which those premises are
45 located, and has not in connection with his sentence for that
46 offense either (1) successfully completed or (2) been admitted to
47 and continued upon probation while completing a drug
48 rehabilitation program pursuant to N.J.S.2C:35-14; or, being the
49 tenant or lessee of such leased premises, knowingly harbors

1 therein a person who committed such an offense, or otherwise
2 permits such a person to occupy those premises for residential
3 purposes, whether continuously or intermittently, except that this
4 subsection shall not apply to a person who harbors or permits a
5 juvenile to occupy the premises if the juvenile has been
6 adjudicated delinquent upon the basis of an act which if
7 committed by an adult would constitute the offense of use or
8 possession under the said "Comprehensive Drug Reform Act of
9 1987."²

10 (cf: P.L.1989, c.294, s.1)

11 ¹[66.] 69.¹ N.J.S.2A:18-67 is amended to read as follows:

12 2A:18-67. Judgments recovered in the division of small claims
13 of [a county district court] the Superior Court, Law Division,
14 Special Civil Part may be docketed as judgments in the [county
15 district court] Special Civil Part proper are docketed.

16 (cf: N.J.S.2A:18-67)

17 ¹[67.] 70.¹ N.J.S.2A:19-1 is amended to read as follows:

18 2A:19-1. As used in this chapter. a. "General assignment"
19 means a transfer or conveyance by a debtor in writing, whereby
20 the debtor transfers or conveys to an assignee, in trust for the
21 benefit of his creditors, all of his property. A "general
22 assignment" includes an assignment by a debtor made under
23 section 2A:20-6 of this title.

24 b. "Debtor" means any person liable on a debt, including any
25 person in actual confinement or discharged under bond pursuant
26 to chapter 20 of this title.

27 c. [Where the copy of the general assignment is filed under
28 section 2A:19-7 of this title with the surrogate of a county,
29 "court" means the county court, probate division, of that county;
30 and where the copy of the same is filed thereunder with the
31 clerk of the superior court, "court"] "Court" means the superior
32 court. [Said courts shall have jurisdiction over general
33 assignments as stated in this chapter.]

34 d. "Creditor" includes any person to whom a debt is due.

35 e. "Debt" includes any debt, demand or claim.

36 f. "Assignor" means any debtor who has executed a general
37 assignment.

38 g. "Assignee" means an assignee under a general assignment,
39 including an assignee appointed under chapter 20 of this title.

40 (cf: N.J.S.2A:19-1)

41 ¹[68.] 71.¹ N.J.S.2A:19-7 is amended to read as follows:

42 2A:19-7. The assignee, upon receiving a general assignment,
43 shall forthwith record it, including the inventory and list of
44 creditors with their claims, in the county where the assignor
45 resides and in any other counties or states where he may deem it
46 necessary. The same shall be recorded in this state in the office
47 of the register of deeds in counties having such an office and in
48 the office of the county clerk in other counties. A copy of the
49 same, executed by the assignor or certified by the register or

1 county clerk, shall be filed by the assignee with the surrogate of
2 the county where the assignor resides or with the clerk of the
3 superior court. ~~In the case of an assignee appointed by the~~
4 county court of any county under chapter 20 of this title, such
5 copy shall be filed by the assignee with the surrogate of the
6 county, and if appointed by the superior court, with the clerk of
7 the superior court.]

8 (cf: N.J.S.2A:19-7)

9 ¹[69.] 72. ¹ N.J.S.2A:19-45 is amended to read as follows:

10 2A:19-45. A corporation making a general assignment shall be
11 deemed, for the purposes of this chapter, a resident of the
12 county in which its principal office is located[, and the county
13 court of such county or the superior court shall have jurisdiction
14 in the premises].

15 (cf: N.J.S.2A:19-45)

16 ¹[70.] 73. ¹ N.J.S.2A:19-47 is amended to read as follows:

17 2A:19-47. In case a corporation shall, at any time after the
18 making of a general assignment, be adjudged insolvent and a
19 receiver thereof be appointed by the superior court, the said
20 court may, whenever it may deem it to the interest of the
21 stockholders or creditors, remove the assignee [even though he
22 shall have theretofore been subject to the jurisdiction of a
23 county court,] and direct and compel him to transfer and convey
24 the trust estate in his hands to the receiver to be administered
25 under the direction of said court. The assignee shall thereupon
26 present his accounts to the superior court for settlement and
27 allowance.

28 (cf: N.J.S.2A:19-47)

29 ¹[71.] 74. ¹ N.J.S.2A:19-50 is amended to read as follows:

30 2A:19-50. In order to bring a general assignment of partners in
31 business within the operation of this chapter, it shall be
32 sufficient if any one of them resides in this State [, in which case
33 the proceedings shall be had in the county court of the county
34 where such partner resides or the superior court. In case the
35 partners or any of them reside in different counties of this state,
36 then the proceedings may be had in the county court in any one
37 of such counties or the superior court, except that where the
38 principal place of business of the partners is located, in any such
39 county, the proceedings shall be had in the county court of that
40 county or the superior court].

41 (cf: N.J.S.2A:19-50)

42 ¹[72.] 75. ¹ N.J.S.2A:20-1 is amended to read as follows:

43 2A:20-1. Any person, in actual confinement for debt or
44 damages in any jail of this state, who is willing to deliver up to
45 his creditor or creditors all his estate, both real and personal,
46 toward their payment, may bring an action, in a summary
47 manner, for his discharge under this chapter, [either in the
48 county court of the county wherein he is confined or] in the
49 superior court.

50 (cf: N.J.S.2A:20-1)

1 ¹[73.] 76. N.J.S.2A:20-2 is amended to read as follows:

2 2A:20-2. Any person arrested or held in custody by any officer
3 in any civil action upon mesne process or process of execution, or
4 who is surrendered in discharge of his bail, shall be discharged
5 from arrest or custody by the officer upon compliance with the
6 following requirements:

7 a. He shall make out and deliver to the officer making the
8 arrest, or in whose custody he may be, a true and perfect
9 inventory, under oath or affirmation, of all of his personal
10 property and real estate, or any interest therein;

11 b. He shall give bond to the plaintiff at whose suit he is
12 arrested, with sufficient security, in double the sum for which he
13 is arrested or taken in execution. If the security is individual and
14 not corporate, the surety or sureties shall be freeholders and
15 resident of the county. Such bond shall be conditioned as follows:

16 1. That he will commence an action in the [county court of the
17 county wherein the arrest was made] Superior Court on or before
18 a certain designated date, not more than 1 month after the date
19 of the bond and apply for his discharge under this chapter; and

20 2. That he will in all things comply with the requirements of
21 this chapter; and

22 3. That he will prosecute such an action diligently until duly
23 discharged as an insolvent debtor and, if refused a discharge, he
24 will surrender himself immediately thereafter to the sheriff,
25 warden or keeper of the jail of such county, there to remain until
26 discharged by due course of law.

27 In case of the forfeiture of such bond by breach of any
28 condition therein, the plaintiff, his executors or administrators,
29 may bring an action thereon, and recover the debt, damages and
30 costs due from such person, and for which such arrest was made.

31 (cf: N.J.S.2A:20-2)

32 ¹[74.] 77. N.J.S.2A:20-3 is amended to read as follows:

33 2A:20-3. Any person arrested as stated in [section]
34 N.J.S.2A:20-2 [of this title] and who has given the bond therein
35 prescribed, may bring an action in a summary manner for his
36 discharge under this chapter[, either] in the [county court of the
37 county wherein such arrest was made, or in the] superior court.

38 (cf: ~~N.J.S.2A:20-3~~)

39 ¹[75.] 78. N.J.S.2A:22-1 is amended to read as follows:

40 2A:22-1. The [county court of the county in which the adopting
41 parent or parents or the person to be adopted resides, or the]
42 superior court[,] shall allow an unmarried person of full age, a
43 husband with his wife's consent, a wife with her husband's
44 consent or a husband and wife jointly to adopt an adult person and
45 may change the name of the adult, if the court is satisfied that
46 the adopting parent or parents are of good moral character and
47 of reputable standing in their community, and that the adoption
48 will be to the advantage and benefit of the person to be
49 adopted.

50 (cf: N.J.S.2A:22-1)

1 ¹[76.] 79. N.J.S.2A:24-2 is amended to read as follows: —

2 2A:24-2. Two or more persons by their agreement in writing
3 may submit to arbitration a controversy existing between them at
4 the time of the agreement, whether the controversy arises out of
5 a contract or the refusal to perform the whole or a part thereof
6 or out of any other matter. They may also agree in writing that a
7 judgment of a court of record, chosen by them shall be rendered
8 upon the award made pursuant to the submission. [If the county
9 court or county district court is so chosen, they may also choose
10 said court of any county in which to enter the judgment, or if no
11 county is chosen, judgment may be entered in said court of any
12 county.]

13 (cf: N.J.S.2A:24-2)

14 ¹[77.] 80. N.J.S.2A:24-3 is amended to read as follows:

15 2A:24-3. Where a party is aggrieved by the failure, neglect or
16 refusal of another to perform under a written agreement
17 providing for arbitration, the superior court[, or the county court
18 of the county where either party resides,] may in a summary
19 action direct that the arbitration proceed in the manner provided
20 for in the agreement. The party alleged to be in default may
21 demand a jury trial as to the issue that there has been no
22 agreement in writing for an arbitration or that there has been no
23 failure to comply therewith.

24 (cf: N.J.S.2A:24-3)

25 ¹[78.] 81. N.J.S.2A:24-5 is amended to read as follows:

26 2A:24-5. If a method is provided in the agreement for naming
27 or appointing an arbitrator or an umpire, it shall be followed; but
28 if not so provided, or if one is provided and a party thereto shall
29 fail to avail himself thereof, or for other reasons there shall be a
30 lapse or failure in the naming of an arbitrator or an umpire or in
31 filling a vacancy, the superior court[, or the county court of the
32 county where either party resides,] may in the summary action
33 provided for in [section] N.J.S.2A:24-3 [of this title] or in another
34 action, designate and appoint an arbitrator or an umpire, as the
35 case may require, who shall act thereunder with the same force
36 and effect as if specifically named therein. The arbitration shall
37 be by a single arbitrator unless otherwise provided.

38 (cf: N.J.S.2A:24-5)

39 ¹[79.] 82. N.J.S.2A:26-2 is amended to read as follows:

40 2A:26-2. An attachment may issue out of the superior court[,
41 any county court or county district court] upon the application of
42 any resident or nonresident plaintiff against the property, real
43 and personal, of any defendant in any of the following instances:

44 a. Where the facts would entitle plaintiff to an order of arrest
45 before judgment in a civil action; and in such cases the
46 attachment may issue against the property of a female, or of a
47 corporation in the same manner as though the defendant would
48 be liable to arrest in a civil action, except that, in actions
49 founded upon a tort, an attachment shall not issue against a

1 corporation upon which a summons can be served in this state;
2 or

3 b. Where the defendant absconds or is a nonresident of this
4 state, and a summons cannot be served on him in this state; but
5 an attachment shall not issue hereunder against the rolling stock
6 of a common carrier of another state or against the goods of a
7 nonresident in transit in the custody of a common carrier of this
8 or another state; or

9 c. Where the cause of action existed against a decedent, which
10 survives against his heirs, devisees, executors, administrators or
11 trustees, and there is property in this state which by law is
12 subject to plaintiff's claim; but no action of attachment may be
13 brought hereunder against the heirs unless they, or some of
14 them, nor against the devisees unless they, or some of them, nor
15 against the executors unless they, or some of them, nor against
16 the administrators unless they, or some of them, nor against the
17 trustees unless they, or some of them, are unknown or
18 nonresident and cannot be served with a summons in this state; or

19 d. Where plaintiff has a claim of an equitable nature as to
20 which a money judgment is demanded against the defendant, and
21 the defendant absconds or is a nonresident and a summons cannot
22 be served upon him in this state; or

23 e. Where the defendant is a corporation created by the laws of
24 another state but authorized to do business in this state and such
25 other state authorizes attachments against New Jersey
26 corporations authorized to do business in that state.

27 For the purposes of this section a summons can be served upon
28 a person in this state where service can duly be made upon
29 someone on his behalf in the state, but not where service may be
30 made only by publication in the state.

31 (cf: N.J.S.2A:26-2)

32 ¹[80.] 83. ¹N.J.S.2A:26-9 is amended to read as follows:

33 2A:26-9. The attachment from the time of its issue, shall
34 constitute a lien on the real estate of the defendant in the state
35 [where the attachment issued out of the superior court, or in the
36 county where it issued out of a county court,] even though the
37 officer fails to especially attach the same or part thereof; and
38 the defendant cannot thereafter assign, transfer or convey the
39 same or any interest therein. The attachment shall also be a lien
40 upon all real estate acquired by defendant in the state [or county,
41 as the case may be,] after such issue and before final judgment.
42 The court may order the clerk to amend the return to the
43 attachment by annexing thereto a description of such real estate,
44 and may make orders for the disposal thereof. All conveyances
45 by the defendant pending the attachment shall be void against the
46 plaintiff. The said lien shall continue to be a lien until the claim
47 of plaintiff is satisfied, the attachment is discharged or judgment
48 is given against plaintiff.

49 (cf: N.J.S.2A:26-9)

1 ¹[81.] 84.¹ N.J.S.2A:28-1 is amended to read as follows:

2 2A:28-1. When any dispute arises between the owners of
3 adjoining lands as to the location of any dividing line or lines
4 between such lands, the ~~[county court of the county in which the~~
5 ~~lands are situate]~~ Superior Court may, on application of either
6 owner on notice to the other, appoint 3 disinterested
7 commissioners, one of whom shall be a practical surveyor, who
8 shall fix, ascertain and regulate such lines.

9 (cf: N.J.S.2A:28-1).

10 ¹[82.] 85.¹ N.J.S.2A:35-1 is amended to read as follows:

11 2A:35-1. Any person claiming the right of possession of real
12 property in the possession of another, or claiming title to such
13 real property, shall be entitled to have his rights determined in
14 an action in the superior court [or in the county court of the
15 county wherein the real property is located].

16 (cf: N.J.S.2A:35-1)

17 ¹[83.] 86.¹ N.J.S.2A:39-6 is amended to read as follows:

18 2A:39-6. Any forcible unlawful entry and detainer, forcible
19 detainer and unlawful detainer as defined in this chapter shall be
20 cognizable before the ~~[district court or the]~~ Superior Court,
21 Chancery Division of the county in which it is committed, and
22 the court may hear and determine an action therefor in a
23 summary manner.

24 (cf: P.L.1971, c.227, s.3)

25 ¹[84.] 87.¹ Section 2 of P.L.1974, c.47 (C.2A:42-10.16) is
26 amended to read as follows:

27 2. In any proceeding for the summary dispossession of a tenant,
28 warrant for possession issued by a court of appropriate
29 jurisdiction:

30 a. Shall include a notice to the tenant of any right to apply to
31 the court for a stay of execution of the warrant, together with a
32 notice advising that the tenant may be eligible for temporary
33 housing assistance or other social services and that the tenant
34 should contact the appropriate county welfare agency, at the
35 address and telephone number given in the notice, to determine
36 eligibility; and,

37 b. Shall be executed not earlier than the third day following the
38 day of personal service upon the tenant by the appropriate court
39 officer. In calculating the number of days hereby required,
40 Saturday, Sunday and court holidays shall be excluded; and

41 c. Shall be executed during the hours of 8 a.m. to 6 p.m., unless
42 the court, for good cause shown, otherwise provides in its
43 judgment for possession.

44 Whenever a written notice, in accordance with the provisions
45 of subsection 2a., is given to the tenant by the court, this shall
46 constitute personal service in accordance with the provisions of
47 subsection 2b.

48 The ~~[county district court]~~ Superior Court, Law Division,
49 Special Civil Part shall retain jurisdiction for a period of 10 days

1 subsequent to the actual execution of the warrant for possession
2 for the purpose of hearing applications by the tenant for lawful
3 relief.

4 (cf: P.L.1984, c.180, s.11)

5 ¹[85.] 88.1 Section 3 of P.L.1981, c. 323 (C.2A:42-102) is
6 amended to read as follows:

7 3. Any person, firm or corporation or any agent, officer or
8 employee thereof who shall violate any provision of this act shall
9 be subject to a civil penalty of not more than \$200.00 for the
10 first offense and not more than \$500.00 for each subsequent
11 offense. Any such penalty shall be enforced and collected in
12 accordance with "the penalty enforcement law" (N.J.S.2A:58-1
13 et seq.) by summary proceedings or in a summary manner. Any
14 action to collect or enforce any such penalty shall be brought in
15 the Superior Court[, county district court] or municipal court by
16 the Attorney General, a municipal or county prosecutor, or the
17 injured party.

18 (cf: P.L.1981, c.323, s.3)

19 ¹[86.] 89.1 N.J.S.2A:44-4 is amended to read as follows:

20 2A:44-4. The owner or person entitled to the immediate
21 possession of the aircraft, or part thereof, so detained as
22 provided by this article, may on learning of the detention of the
23 same, immediately demand from the person detaining such
24 aircraft or part thereof, or from the person in charge of the place
25 where it is detained, a statement showing the true amount
26 claimed to be due and owing for landing or take-off fees or for
27 the storing, maintaining, keeping or repairing of such aircraft, or
28 for furnishing gasoline, fuel, accessories, materials or other
29 supplies therefor. If upon receiving such statement he considers
30 the amount thereof excessive, he may offer what he considers to
31 be reasonably due and demand possession of the aircraft or part
32 thereof so detained. If possession is refused, he may obtain
33 possession thereof by depositing the amount claimed in the
34 statement with the clerk of any court of competent jurisdiction
35 in the county where the aircraft or part thereof may be situated,
36 together with \$12 to cover the cost of court in actions
37 commenced in the [county district court] Superior Court, Law
38 Division, Special Civil Part and \$60 in any other court.

39 (cf: P.L.1981, c.159, s.2)

40 ¹[87.] 90.1 N.J.S.2A:44-13 is amended to read as follows:

41 2A:44-13. Where the consignee of perishable goods cannot be
42 found by the carrier or shall neglect or refuse to receive the
43 same or to pay the costs and expenses of transportation, or the
44 charges for detention or demurrage, the carrier or its agent may
45 apply in writing to the [county court, or to the county district
46 court of the county where such goods are deliverable], Superior
47 Court and such court on proof that the goods have been
48 transported and are perishable and that the consignee cannot be
49 found or neglects or refuses to receive the same or to pay the

1 costs and expenses of transportation, detention or demurrage
2 charges, shall order the public sale thereof by a constable or
3 sheriff of the county at a time and place named in the order, of
4 which sale such advertisement shall be made and notice given as
5 the court shall direct.

6 (cf: N.J.S.2A:44-13)

7 ¹[88.] 91. ¹ N.J.S.2A:44-17 is amended to read as follows:

8 2A:44-17. The fees and expenses of a sale authorized by this
9 article shall be paid first and next the expenses and charges of
10 the carrier for transportation, detention or demurrage and
11 storage. The residue shall be paid to the clerk of the county who
12 shall pay the same to the owner on the order of the [county court]
13 Superior Court. If no person shall, within 1 year after the sale,
14 claim the proceeds, the same shall be paid into the school fund
15 of the state.

16 (cf: N.J.S.2A:44-17)

17 ¹[89.] 92. ¹ N.J.S.2A:44-23 is amended to read as follows:

18 2A:44-23. The owner or the person entitled to the immediate
19 possession of the motor vehicle or part thereof so detained, may,
20 on learning of the detention of the same, immediately demand
21 from the garage keeper or the person in charge thereof, a
22 statement of the true amount claimed to be due for the storing,
23 maintaining, keeping or repairing of such motor vehicle, or for
24 furnishing gasoline, accessories or other supplies therefor. If
25 upon receiving such statement he considers the amount thereof
26 excessive, he may offer what he considers to be reasonably due
27 and demand possession of the motor vehicle or part thereof so
28 detained. If possession is refused, he may obtain possession
29 thereof by depositing the amount claimed in the statement with
30 the clerk of a court of competent jurisdiction in the county where
31 the motor vehicle or part thereof may be, together with \$10 to
32 cover the costs of court in an action in the [county district
33 court] Superior Court, Law Division, Special Civil Part and \$50 in
34 any other court.

35 (cf: N.J.S.2A:44-23)

36 ¹[90.] 93. ¹ N.J.S.2A:44-60 is amended to read as follows:

37 2A:44-60. Any person having a lien under this article may
38 enforce the same by an action in the superior court[, or in the
39 county court or district court of the county in which the vessel is
40 located].

41 (cf: N.J.S.2A:44-60)

42 ¹[91.] 94. ¹ N.J.S.2A:44-90 is amended to read as follows:

43 2A:44-90. When a stop notice has been filed pursuant to
44 [section] N.J.S.2A:44-77 [of this title] and the claim for which
45 the stop notice was filed has been paid, satisfied or settled by
46 the parties, the party filing such notice shall file with the proper
47 county clerk a certificate duly acknowledged or proved, directing
48 the proper county clerk to discharge the stop notice of record,
49 which certificate shall contain:

- 1 a. The name of the owner of the land named in the notice;
- 2 b. The name of the person by or on whose behalf the notice
- 3 was filed;
- 4 c. The location of the property;
- 5 d. The file number of the county clerk's office indorsed upon
- 6 each notice filed under authority of section 2A:44-77 of this title;
- 7 e. The date of filing the notice; and
- 8 f. The sum of money or other consideration paid in discharge of
- 9 the claim.

10 If the claimant shall fail or refuse to file such certificate, then
11 upon application by any proper party in interest, the superior
12 court [or the county court of the proper county,] upon 5 days'
13 written notice to the claimant, to be served in the same manner
14 as is provided in [section] N.J.S.2A:44-79 [of this title], or upon
15 satisfactory proof that the claimant cannot be found within the
16 state, the court may, upon good cause being shown, order the stop
17 notice discharged.

18 The court, when the claimant cannot be found within the state,
19 shall order the money claimed in the stop notice to be deposited
20 in trust with the proper county clerk, to be claimed within 6
21 years. In case the sum so deposited shall not be claimed within 6
22 years from the date it is so deposited, the county clerk shall
23 repay the funds so deposited to the original depositor or his
24 representatives or assigns, after deducting his service charge as
25 provided by sections N.J.S.22A:2-29 and N.J.S.40A:9-71.

26 The county clerk shall thereupon attach the certificate or
27 order to the original stop notice on file and shall note on the
28 record thereof "discharged by certificate" or "discharged by
29 court order," as the case may be.

30 (cf: N.J.S.2A:44-90)

31 ¹[92.] 95. ¹ N.J.S.2A:44-97 is amended to read as follows:

32 2A:44-97. When a lien claim is filed pursuant to this article,
33 the same shall be enforced by an action in the superior court [or
34 the county court in the county, in which the land and building are
35 situate; or if the amount claimed does not exceed \$1,000, in the
36 county district court of the county, in which the land and building
37 are situate,] which action shall be commenced against the
38 builder, owner of the land and building, and every person holding
39 a mortgage of record and every other person whose interest in
40 the property would be affected or cut off by the judgment and
41 sale thereunder.

42 (cf: N.J.S.2A:44-97)

43 ¹[93.] 96. ¹ N.J.S.2A:44-99 is amended to read as follows:

44 2A:44-99. The county clerk shall, [upon the commencement of
45 the civil action, commenced in the county court or,] upon the
46 presentation of the certificate prescribed in [section]
47 N.J.S.2A:44-101 [of this title, if commenced in the superior or
48 county district court], indorse on the lien claim the time of the
49 commencement of the action.

1 If no such indorsement is made within 4 months or within the
2 extended period provided by [section] N.J.S.2A:44-98 [of this
3 title], from the last date of the labor performed or materials
4 furnished, or if such claimant shall fail to issue the summons in
5 the action within 5 days after the filing of the complaint or to
6 prosecute his claim diligently within 1 year from the
7 commencement of the action or such further time as the court
8 may by order direct, the lien shall be discharged by an order
9 signed by the superior [court or the county] court.

10 (cf: N.J.S.2A:44-99)

11 ¹[94.] 97.1 N.J.S.2A:44-101 is amended to read as follows:

12 2A:44-101. The plaintiff in an action brought in the Superior
13 Court [or a county district court] on a lien claim, shall obtain
14 from the clerk of such court a certificate to the effect that an
15 action has been commenced in that court on such lien claim,
16 specifying the court wherein the action is brought, and the date
17 when such action was so commenced. The certificate shall be
18 presented to the proper county clerk within 10 days after the
19 commencement of the action, who shall indorse on the lien claim
20 that an action thereon has been commenced, specifying the court
21 wherein, and the date when such action was commenced.

22 (cf: P.L.1959, c.144, s.1)

23 ¹[95.] 98.1 N.J.S.2A:44-106 is amended to read as follows:

24 2A:44-106. A judgment of [a county district court] the Superior
25 Court, Law Division, Special Civil Part under this article shall be
26 docketed [in the proper county court] with the clerk of the
27 Superior Court by the party recovering the same, and shall, from
28 the time of such docketing [in the county court], operate as
29 though the judgment had been obtained in the [county court] Law
30 Division.

31 No judgment shall be so docketed after the granting of a new
32 trial, or the taking of an appeal or a proceeding otherwise to
33 review such judgment.

34 (cf: N.J.S.2A:44-106)

35 ¹[96.] 99.1 N.J.S.2A:44-107 is amended to read as follows:

36 2A:44-107. When judgment is obtained in [a county district
37 court] the Superior Court, Law Division, Special Civil Part under
38 this article there shall be filed in the office of the clerk of the
39 [county court of the proper county] Superior Court a statement
40 signed and sealed by the clerk of the [district court,] Special Civil
41 Part containing:

- 42 a. The name of the court;
- 43 b. The names of the parties;
- 44 c. Whether judgment is general against the builder or against
45 the building and land only, or both; and
- 46 d. The amount and date of judgment.

47 There shall be filed with or as a part of the statement an oath
48 of the party, his attorney or agent stating the amount still due
49 thereon.

50 (cf: N.J.S.2A:44-107)

1 1[97.] 100.¹ N.J.S.2A:44-108 is amended to read as follows:
 2 2A:44-108. No execution shall issue out of [a county district
 3 court] the Superior Court, Law Division, Special Civil Part on a
 4 judgment rendered therein, under this article, nor shall any
 5 proceeding be had thereon except the granting of a new trial, or
 6 the taking of an appeal or other proceeding for review.
 7 (cf: N.J.S.2A:44-108)

8 1[98.] 101.¹ N.J.S.2A:44-113 is amended to read as follows:
 9 2A:44-113. The sheriff or other officer conducting the sale
 10 authorized by this article shall pay the proceeds thereof to the
 11 clerk of the superior court [or to the clerk of the proper county
 12 court], which court shall distribute the same among the lien
 13 claims filed under this article before an application for
 14 distribution thereof is made to said court. The amount due a lien
 15 claimant shall not be paid over to him until after his lien claim
 16 has been on file for 3 months; or if contested in the action or if a
 17 caveat is filed against such claim by the owner, mortgagee, or
 18 any lien claimant, until such claim is established by a special
 19 determination thereof.
 20 (cf: N.J.S.2A:44-113)

21 1[99.] 102.¹ N.J.S.2A:44-115 is amended to read as follows:
 22 2A:44-115. The [superior and county courts] Superior Court
 23 shall provide proper disposition of proceeds of any sale to the
 24 persons entitled thereto under this article.
 25 (cf: N.J.S.2A:44-115)

26 1[100.] 103.¹ N.J.S.2A:44-116 is amended to read as follows:
 27 2A:44-116. When a mechanic's notice of intention has been
 28 filed under [section] N.J.S.2A:44-71 [of this Title] and the claim
 29 for which the notice was filed has been paid, satisfied or settled
 30 by the parties or abandoned by the party filing the notice, the
 31 party filing such notice shall file with the proper county clerk a
 32 certificate duly acknowledged or proved, directing the proper
 33 county clerk to discharge the mechanic's notice of intention of
 34 record, which certificate shall contain:
 35 a. The date of filing the mechanic's notice of intention;
 36 b. The file number indorsed thereon;
 37 c. The name of the owner of the land named in the notice;
 38 d. The location of the property; and
 39 e. The name of the person for whom the labor was performed
 40 or materials furnished.

41 If the claimant shall fail or refuse to file such certificate, then
 42 upon application by any proper party in interest, the Superior
 43 Court [or the County Court of the proper county], upon 5 days'
 44 written notice to the claimant, to be served upon him in the
 45 same manner as provided by [section] N.J.S.2A:44-79 [of this
 46 Title], or upon satisfactory proof that the claimant cannot be
 47 served, may, upon good cause being shown, order the mechanic's
 48 notice of intention discharged.

49 When a mechanic's notice of intention has been filed pursuant

1 to [section] N.J.S.2A:44-71 [of the New Jersey Statutes], and it is
2 alleged that the claimant improperly refuses or neglects to file
3 such certificate, upon application in the manner aforesaid, the
4 Superior Court [or the County Court of the proper county] may
5 inquire into the facts in a summary way, and upon good cause
6 being shown, order the mechanic's notice of intention discharged,
7 and may require the claimant to pay the costs and reasonable
8 attorney's fees. If at the hearing it shall appear that the
9 claimant willfully refused to honor a written request to file such
10 certificate after a demand therefor, served upon the claimant 15
11 or more days after the satisfaction of the claim and 10 or more
12 days prior to the application to the court for an order to
13 discharge the notice, the court may assess additional costs
14 against the claimant and in favor of the applicant in the amount
15 of \$50.00.

16 The county clerk shall thereupon attach the certificate or
17 order to the original notice of intention on file and shall note on
18 the record thereof "discharged by certificate" or "discharged by
19 court order," as the case may be.

20 (cf: P.L.1964, c.60, s.1)

21 ¹[101.] 104. ¹N.J.S.2A:44-119 is amended to read as follows:

22 2A:44-119. A building and land upon which a lien is filed
23 pursuant to this article may be discharged from the same. a. By
24 payment, and a duly acknowledged or proved receipt therefor
25 given by the lien claimant or his duly authorized attorney or
26 agent, and filed with the proper county clerk;

27 b. By payment of the amount of the lien claim with interest
28 and costs to the proper county clerk who shall pay the same to
29 the lien claimant;

30 c. Upon application by any party in interest, on such written
31 notice to the lien claimant as the court shall direct, or upon
32 satisfactory proof that the lien claimant cannot be served, the
33 superior court, [or the county court of the proper county] if
34 satisfied by affidavit or otherwise that:

35 1. The lien claimant has failed to file such lien claim within the
36 time and in the manner provided by [sections] N.J.S.2A:44-91
37 and N.J.S.2A:44-92 [of this title]; or

38 2. More than the time limited for commencement of an action
39 on such lien claim as provided in [section] N.J.S.2A:44-98 [of this
40 title] has elapsed or without the entry of the time of
41 commencement of such being made on the lien claim; or

42 3. The notice provided for in [section] N.J.S.2A:44-100 [of this
43 title] has been served upon the lien claimant and the time limited
44 thereby to commence an action has elapsed, without such action
45 being commenced, or without the entry of the time of
46 commencement of such action being made upon the lien claim; or

47 4. The lien claim has been paid, satisfied or settled by the
48 parties; and the lien claim still remains open of record, such
49 court shall order the clerk of the proper county to enter a

1 discharge of the lien claim and the mechanic's notice of
2 intention upon which it is based.

3 When judgment of dismissal or final judgment in favor of the
4 owner defendant is entered in an action to enforce the lien claim
5 under this article and no appeal is taken within the time allowed
6 for such an appeal, or if an appeal is taken and finally determined
7 in favor of the owner defendant, the court before which the
8 judgment was rendered, upon application and such written notice
9 to the lien claimant as the court shall direct, shall order the
10 clerk of the proper county to enter a discharge of the lien claim
11 and the mechanic's notice of intention upon which it is based.

12 A lien claim may also be satisfied of record by a warrant or
13 authority made and executed by the attorney of record of the
14 claimant, if there be one, in the manner provided by law for the
15 satisfaction of record of judgments for the recovery of money
16 only.

17 (cf: N.J.S.2A:44-119)

18 ¹[102.] 105. ¹ N.J.S.2A:48-4 is amended to read as follows:

19 2A:48-4. The mayor or officer or sheriff shall, upon receiving
20 the notice, take all legal means to protect the property attacked
21 or threatened. The expenses incurred by any of such officers in
22 the performance of any duty hereby imposed shall be paid by the
23 county treasurer of the county in which the property is situate,
24 upon the approval thereof by a judge of the [county court]
25 Superior Court of such county.

26 (cf: N.J.S.2A:48-4)

27 ¹[103.] 106. ¹ N.J.S.2A:51-1 is amended to read as follows:

28 2A:51-1. Where a mortgage on real estate or chattels, or both,
29 is recorded in the office of the county clerk or register of deeds
30 and mortgages of any county, [the county court of the county or]
31 the superior court in a summary or other action brought by any
32 mortgagor or party in interest may direct the county clerk or
33 register to cancel the mortgage of record, provided the plaintiff
34 shall:

35 a. Present satisfactory proof that the principal and interest due
36 on the mortgage have been fully paid; or

37 b. Deposit with the clerk of the [court of] Superior Court in the
38 county in which the mortgage is of record any balance of
39 principal and interest due on the mortgage according to the terms
40 thereof; or

41 c. Present such special circumstances as to satisfy the court
42 that the mortgagee and his successors, if any, in right, title and
43 interest have no further interest in the mortgage or the debt
44 secured thereby.

45 (cf: N.J.S.2A:51-1)

46 ¹[104.] 107. ¹ N.J.S.2A:53-1 is amended to read as follows:

47 2A:53-1. The superior court [and the county court] shall have
48 jurisdiction of declarations of intention, and of applications of
49 aliens to become citizens of the United States.

50 (cf: N.J.S.2A:53-1)

1 ¹[105.] 108.¹ N.J.S.2A:58-2 is amended to read as follows:
2 2A:58-2. Every [county district court, county court, and any]
3 court upon which[, or any magistrate or other judicial officer
4 upon whom,] jurisdiction is conferred by the statute imposing the
5 penalty, shall have jurisdiction of proceedings for the
6 enforcement of any such penalty.
7 (cf: N.J.S.2A:58-2)

8 ¹[106.] 109.¹ N.J.S.2A:58-4 is amended to read as follows:
9 2A:58-4. If a money judgment is rendered against a defendant,
10 execution may issue.
11 (1) Against the goods and chattels of such defendant in all cases,
12 and also,
13 (2) Against the lands of such defendant if such judgment is
14 rendered in [a county court,] the Superior Court, and also,
15 (3) Against the body of such defendant if the court in which the
16 judgment is rendered shall, by special order, so direct and shall
17 designate in said order the maximum number of days during which
18 the defendant may be detained in custody under such body
19 execution, in no case to exceed one hundred days.

20 (cf: N.J.S.2A:58-4)
21 ¹[107.] 110.¹ N.J.S.2A:59-3 is amended to read as follows:
22 2A:59-3. All writs of replevin shall issue out of the superior
23 court[, or county court or county district court of the county
24 where the property was taken or is detained].

25 (cf: N.J.S.2A:59-3)
26 ¹[108.] 111.¹ N.J.S.2A:67-6 is amended to read as follows:
27 2A:67-6. ~~For preventing illegal imprisonment of citizens of this~~
28 State in prisons out of this State, no citizen of this State who is
29 an inhabitant or resident thereof, shall be sent as a prisoner to
30 any place whatsoever out of this State, for any crime or offense
31 committed within this State, and every such imprisonment is
32 hereby declared to be illegal unless such transfer of such person
33 to a place of confinement outside the State is accomplished
34 pursuant to the provisions of any interstate compact approved by
35 the Legislature for such purpose and to which the State is
36 signatory.

37 If any such citizen shall be so imprisoned, except as provided
38 for herein by compact, he may, for every such imprisonment,
39 maintain, by virtue of this chapter, an action at law in the
40 Superior [or County] Court for the damages sustained thereby,
41 against the person by whom he shall be so committed, detained,
42 imprisoned, sent prisoner or transported contrary to the true
43 intent and meaning of this chapter, and against any person who
44 shall frame, contrive, write, seal, sign, or countersign any
45 warrant or writing for such commitment, detainer, imprisonment
46 or transportation, or who shall advise, aid or assist in the same or
47 any of them. In such action the plaintiff may recover penal as
48 well as compensatory damages but in any case the damages shall
49 not be less than \$1,500.00.

1 Any person who shall knowingly frame, contrive, write, seal,
2 sign or countersign any warrant for such commitment, detainer,
3 or transportation, or shall so commit, detain, imprison or
4 transport any person contrary to this chapter, or advise, aid or
5 assist therein, shall be fined or imprisoned at hard labor, or both,
6 at the discretion of the court before which the conviction shall be
7 had and shall in addition thereto, from thenceforth be disqualified
8 from holding any office or trust or profit under this State.

9 Nothing contained in this chapter shall be construed to prevent
10 the sending of a citizen of this State or person at any time
11 resident therein, who has committed any treason, felony or
12 misdemeanor in another state of the United States or in any
13 foreign country, to such other state or foreign country having
14 jurisdiction of such offense, for the purpose of being tried
15 therefor.

16 (cf: P.L.1973, c.16, s.1)

17 ¹[109.] 112.¹ N.J.S.2A:67-36 is amended to read as follows:

18 ~~2A:67-36. In all proceedings involving the writ of habeas corpus~~
19 before a judge of the superior [court or a judge of the county]
20 court, the prisoner may, after final decision by such judge, appeal
21 therefrom to the appellate division of the superior court, if the
22 imprisonment is for an alleged crime, and the decision is against
23 the right of the prisoner to a discharge, and in any other case
24 either party may so appeal. If a discharge, which is appealable,
25 has been awarded, and an appeal is taken the discharge shall not
26 be stayed on such appeal.

27 (cf: N.J.S.2A:67-36)

28 ¹[110.] 113.¹ N.J.S.2A:71-13 is amended to read as follows:

29 2A:71-13. If the clerk of a county, upon whom any duty is
30 imposed by this subtitle, or his deputy authorized to act in his
31 place, is for any cause absent at the time and place when and
32 where any of such duties are required to be performed, a judge of
33 the [county court] Superior Court may perform the duties of the
34 clerk.

35 (cf: N.J.S.2A:71-13)

36 ¹[111.] 114.¹ N.J.S.2A:72-1 is amended to read as follows:

37 2A:72-1. Grand and petit jurors shall be ordered by the
38 assignment judge of the superior court for the county or, by his
39 order or in his absence, by a judge designated by him for that
40 purpose, or as provided by this chapter. ~~The petit jurors shall~~
41 serve in the superior court [and county court in the county and
42 may, if such assignment judge so orders, be required to serve in
43 other courts of the county].

44 (cf: N.J.S.2A:72-1)

45 ¹[112.] 115.¹ N.J.S.2A:73-5 is amended to read as follows:

46 2A:73-5. The [county court of each county may, under its seal,]
47 Assignment Judge of the Superior Court may appoint a clerk for
48 the grand jury in and for each county, for a term not exceeding 3
49 years, unless sooner removed by the court. The clerk shall, when

1 requested by the grand jury, attend its sessions, but shall not
2 attend its deliberative sessions.

3 (cf: N.J.S.2A:73-5)

4 ¹[113.] 116.¹ N.J.S.2A:74-8 is amended to read as follows:

5 2A:74-8. The judges of the [county court] Superior Court
6 sitting for the trial of issues or causes in a county in which the
7 general panel of petit jurors has been divided into separate panels
8 may direct the drawing of juries from 1 or more of the separate
9 panels. In the drawing of trial juries in such cases there shall be
10 put into the box only the names of the jurors constituting 1 of the
11 separate panels designated by the trial judge.

12 If, because of challenges, the default of jurors or otherwise, a
13 sufficient number of jurors cannot be had from the jurors
14 composing any separate designated panel, the court in which the
15 issue or cause is pending shall direct the sheriff to order the
16 jurors composing another of the separate panels into which the
17 general panel has been divided to attend the court, and the
18 sheriff shall put into the box the names of the jurors composing
19 such other separate panel.

20 (cf: N.J.S.2A:74-8)

21 ¹[114.] 117.¹ N.J.S.2A:76-1 is amended to read as follows:

22 2A:76-1. The superior court [or any county court] may, in its
23 discretion, order a trial by a foreign jury in any case, civil or
24 criminal, commenced therein or removed thereto.

25 (cf: N.J.S.2A:76-1)

26 ¹[115.] 118.¹ Section 34 of P.L.1960, c.52 (C.2A:84A-34) is
27 amended to read as follows:

28 34. The subject matter and a tentative draft of a rule or rules
29 proposed to be adopted pursuant to this article shall be entered
30 upon the agenda and discussed at a Judicial Conference whose
31 membership shall at least include delegates from the Supreme
32 Court, the Appellate Division of the Superior Court, the judges of
33 [the Law Division and the Chancery Division of] the Superior
34 Court, [the judges of the County Courts, the judges of the county
35 district courts, the judges of the juvenile and domestic relations
36 courts,] the judges of the municipal courts, the surrogates, the
37 State Bar Association, the county bar associations, the Senate
38 and General Assembly, the Attorney General, the county
39 prosecutors, the law schools of this State, and members of the
40 public.

41 (cf: P.L.1960, c.52, s.34)

42 ¹[116.] 119.¹ N.J.S.2A:152-12 is amended to read as follows:

43 2A:152-12. Whenever the mayor or other chief executive, or
44 the chief of police or other head officer of police, of any
45 municipality, shall be notified by a written communication
46 delivered to him personally, signed by the governor or attorney
47 general, or by a judge of the superior court [or county court,] or
48 the prosecutor of the county in which the municipality is situate,
49 stating that it is alleged, and that there is reason to believe it to

1 be true, that there exists in 1 or more places in such
 2 municipality, designated in the communication, open, continued
 3 or notorious violation of [any 1 or more sections of subtitle 10 of
 4 this title (Sec. 2A:85-1 et seq.)] Title 2C of the New Jersey
 5 Statutes, which section or sections shall be stated in such
 6 communication, by any person occupying or ~~carrying on~~ business
 7 in such place or places, whether such person be known or
 8 unknown, the mayor or other chief executive or the chief of
 9 police or other head police officer so notified shall take
 10 immediate, proper and efficient measures, by complaint and
 11 arrest or by raid and arrest or otherwise, to prevent the further
 12 continuance of such illegal practices and to bring any person so
 13 alleged to be offending to justice.

14 (cf: N.J.S.2A:152-12)

15 ¹[117.] 120.¹ Section 1 of P.L.1956, c.134 (C.2A:152-17) is
 16 amended to read as follows:

17 1. Any person convicted of any crime may make application
 18 ~~under oath to any judge of the [County Court or] Law Division of~~
 19 ~~the Superior Court of the county where the venue was laid~~
 20 ~~showing that a copy of the transcript of the record, testimony~~
 21 ~~and proceedings at the trial is necessary for the filing of any~~
 22 ~~application with the trial court, and that he is unable, by reason~~
 23 ~~of poverty, to defray the expense of procuring the same, and any~~
 24 ~~such judge may, being satisfied of the facts stated and of the~~
 25 ~~sufficiency thereof, certify the expense thereof to the county~~
 26 ~~treasurer, who shall thereupon pay such expense, the amount~~
 27 ~~thereof having been approved by the judge to whom such~~
 28 ~~application was made. Where such person appeals to the~~
 29 ~~Appellate Division of the Superior Court and copies of the~~
 30 ~~transcript of the proceedings in the trial court are needed~~
 31 ~~therefor he may make a similar application to such court which,~~
 32 ~~being satisfied of the facts stated and the sufficiency thereof,~~
 33 ~~may certify the expense and amount thereof to the county~~
 34 ~~treasurer who shall thereupon pay such expense.~~

35 (cf: P.L.1956, c.134, s.1)

36 ¹[118.] 121.¹ N.J.S.2A:153-2 is amended to read as follows:

37 2A:153-2. The board of chosen freeholders of any county, on
 38 the recommendation and request in writing of the prosecutor of
 39 the county, approved by a judge of the superior court [or of the
 40 county court of the county,] may offer a reward not exceeding
 41 \$5,000 for the detection and apprehension of any person guilty of
 42 murder, kidnapping, burglary, robbery, arson or other heinous
 43 crime in such county, the reward to be payable after conviction
 44 out of such funds of the county as may be applicable thereto.
 45 The reward shall be paid to such person or persons as the board
 46 of chosen freeholders may, in its discretion, deem entitled
 47 thereto.

48 (cf: N.J.S.2A:153-2)

49 ¹[119.] 122.¹ Section 1 of P.L.1967, c.171 (C.2A:153-4) is
 50 amended to read as follows:

1 1. The governing body of any municipality, on the
2 recommendation and request in writing of the municipal police
3 chief or principal law enforcement officer of such municipality,
4 approved by a judge of the Superior Court [or County Court of
5 the county wherein the municipality is located,] may offer a
6 reward not exceeding \$3,000.00 for the detection and
7 apprehension of any person guilty of murder, kidnapping,
8 burglary, robbery, arson, or other heinous crime in such
9 municipality; the reward is to be payable after conviction out of
10 such funds of the municipality as may be applicable thereto. The
11 reward shall be paid to such person or persons as the municipal
12 governing body may, in its discretion, deem entitled thereto, but
13 no such reward may be paid to any public employee, whose duty it
14 is to investigate or to enforce the law.

15 (cf: P.L.1967, c.171, s.1)

16 ¹[120.] 123. ¹N.J.S.2A:154-1 is amended to read as follows:

17 2A:154-1. Any judge of the superior court, or of a [county
18 court, criminal judicial district court, county district court or
19 juvenile and domestic relations court in any county, and all
20 magistrates] municipal court shall have power to cause to be kept
21 all laws made or to be made for the conservation of the peace
22 and for the good government of the citizens and inhabitants of
23 this state, within their respective counties, according to the
24 force, form and effect of such laws, and to apprehend, and to
25 cause to come before them, and imprison and punish all persons
26 offending against such laws, or any of them, in their respective
27 counties, in such manner as, according to such laws, shall be right
28 and proper, and to perform and execute all such matters, acts
29 and things as by law appertain to their office, and are or shall be
30 enjoined upon them, or be committed to their charge and
31 execution.

32 (cf: N.J.S.2A:154-1)

33 ¹[121.] 124. ¹Section 2 of P.L.1970, c.6 (C.2A:158-1.2) is
34 amended to read as follows:

35 2. Notwithstanding the provisions of N.J.S.2A:158-10 any
36 county prosecutor who is required or elects to devote his entire
37 time to the duties of his office pursuant to this act shall receive
38 an annual salary in the same amount as that payable to a full
39 time judge of the [county court] the Superior Court, Law Division.

40 (cf: P.L.1970, c. 6, s.2)

41 ¹[122.] 125. ¹N.J.S.2A:158-3 is amended to read as follows:

42 2A:158-3. Every person appointed county prosecutor shall,
43 before entering upon the duties of his office, take and subscribe
44 before the clerk of the county for which he has been appointed,
45 or before a judge of the [county court of such county] Superior
46 Court, the following oath:

47 "I, _____, do solemnly promise and swear (or affirm), that I will
48 faithfully, justly and impartially execute the duties of county
49 prosecutor of this state, in and for the county of _____, to the

1 best of my abilities and understanding. So help me God."

2 (cf: N.J.S.2A:158-3)

3 ¹[123.] 126.¹ N.J.S.2A:158-7 is amended to read as follows:

4 2A:158-7. All necessary expenses incurred by the prosecutor
5 for each county in the detection, arrest, indictment and
6 conviction of offenders against the laws shall, upon being
7 certified to by the prosecutor and approved, under his hand, by a
8 judge of the superior court [or of the county court for such
9 county], be paid by the county treasurer whenever the same shall
10 be approved by the board of chosen freeholders of such county.

11 The amount or amounts to be expended shall not exceed the
12 amount fixed by the board of chosen freeholders in its regular or
13 emergency appropriation, unless such expenditure is specifically
14 authorized by order of the assignment judge of the superior court
15 for such county.

16 (cf: N.J.S.2A:158-7)

17 ¹[124.] 127.¹ N.J.S.2A:158-8 is amended to read as follows:

18 2A:158-8. Whenever the prosecutor of any county shall bring an
19 action, as authorized by the laws of the United States, to enjoin a
20 nuisance as defined by the laws of the United States, all
21 necessary expenses incurred thereby, certified to and approved
22 under his hand by a judge of the superior court [or of the county
23 court for such county,] shall be paid by the county treasurer
24 whenever the same shall be approved by the board of chosen
25 freeholders of such county.

26 (cf: N.J.S.2A:158-8)

27 ¹[125.] 128.¹ N.J.S.2A:158-9 is amended to read as follows:

28 2A:158-9. In the absence of the attorney general and of the
29 county prosecutor, at any session of the superior court [or county
30 court in any county], the assignment judge of the superior court
31 may appoint a fit person to prosecute the pleas of the state
32 during that session. The person so appointed, on taking the oath
33 or affirmation prescribed by [section] N.J.S.2A:158-3 [of this
34 title], shall be vested, during such session, with the powers of a
35 prosecutor, and be entitled to the same compensation and subject
36 to the same penalties.

37 (cf: N.J.S.2A:158-9)

38 ¹[126.] 129.¹ N.J.S.2A:160-2 is amended to read as follows:

39 2A:160-2. Whenever any person charged in this state with any
40 crime shall flee from justice and be found in another state,
41 territory or district, and the attorney general or the prosecutor
42 for any county where such person is so charged shall recommend
43 to the governor or person administering the government of this
44 state that he demand the fugitive, so that he may be brought into
45 this state for trial, and the fugitive shall, on the demand of the
46 executive authority of this state, be delivered up for removal to
47 this state, the expense of such removal, being first ascertained
48 to the satisfaction of the prosecutor of the county where such
49 person is so charged, and being approved by a judge of the [county

1 court of such county] Superior Court, shall be paid by the county
2 treasurer out of the funds of such county.

3 (cf: N.J.S.2A:160-2)

4 ¹[127.] 130.¹ N.J.S.2A:160-3 is amended to read as follows:

5 2A:160-3. The county treasurer of any county may advance to
6 the prosecutor of the county, or to such person as the prosecutor
7 shall designate, from the funds of such county appropriated, set
8 aside and available for court expenses, money necessary to defray
9 the expenses of the prosecutor or such person as he shall
10 designate, to be used for the arrest, extradition and return from
11 foreign jurisdictions of persons charged with violating the
12 criminal laws of this state, and who are fugitives from justice.
13 No such money shall be advanced by the county treasurer, except
14 upon written order of the prosecutor with the approval of the
15 assignment judge in such county [or a judge of the county court
16 of such county] indorsed thereon, and unless the prosecutor shall
17 file with the county treasurer a statement of the purposes for
18 which the money is to be used and an estimate, in reasonable
19 detail, of the anticipated expenses.

20 (cf: N.J.S.2A:160-3)

21 ¹[128.] 131.¹ N.J.S.2A:160-4 is amended to read as follows:

22 2A:160-4. Immediately after the person to whom the money
23 has been advanced by the county treasurer, as provided by
24 [section] N.J.S.2A:160-3 [of this title], shall have completed the
25 duties for which such money was advanced, he shall file with the
26 county treasurer an itemized statement or account of the
27 necessary expenses incurred in the performance of such duties,
28 duly verified, certified to and approved under the hand of the
29 prosecutor, and with the written approval of the assignment judge
30 in such county [or a judge of the county court of such county]. If
31 the itemized statement or account so rendered and approved, as
32 aforesaid, should exceed the sum of money so advanced to such
33 person, the balance thereof shall be paid to such person by the
34 county treasurer; and if the sum of money advanced to such
35 person shall exceed the amount of his itemized statement or
36 account of expenses, as the same shall be so certified and
37 approved, such person shall forthwith return the excess money to
38 the county treasurer.

39 (cf: N.J.S.2A:160-4)

40 ¹[129.] 132.¹ N.J.S.2A:160-25 is amended to read as follows:

41 2A:160-25. If the accused is not arrested under warrant of the
42 governor by the expiration of the time specified in the warrant,
43 bond or undertaking, a judge [or magistrate] may discharge him or
44 may recommit him for a further period of 60 days, or a judge of
45 the superior court [or county court] may again take bail for his
46 appearance and surrender, as provided in [section]
47 N.J.S.2A:160-24 [of this title], but within a period not to exceed
48 60 days after the date of such new bond or undertaking.

49 (cf: N.J.S.2A:160-25)

1 ¹[130.] 133.¹ N.J.S.2A:161-1 is amended to read as follows:

2 2A:161-1. In all criminal complaints before a judge of the
3 superior court or a [county court, criminal judicial district court,
4 county district court or juvenile and domestic relations court, or
5 a magistrate,] municipal court, where in the opinion of such judge
6 [or magistrate], public justice shall require that a warrant for the
7 arrest of the alleged offender issue and be executed
8 immediately, and no person authorized to make an arrest can be
9 had in time, such judge [or magistrate] may, by writing, under his
10 hand and seal, appoint some fit person, who shall be a citizen of
11 this state, to execute the warrant, who shall have the same
12 authority in the premises in all respects and be subject to the
13 same liability as a constable.

14 (cf: N.J.S.2A:161-1)

15 ¹[131.] 134.¹ Section 1 of P.L.1974, c.93 (C.2A:162-11) is
16 amended to read as follows:

17 1. In every case where a person has been convicted in a
18 municipal court of a disorderly persons violation, and he has not
19 violated or forfeited his bail or recognizance, such bail or
20 recognizance shall continue in the same terms and effect
21 pending appeal to [a County Court] the Superior Court in lieu of
22 posting a new bond in connection with the appeal, or in the
23 alternative the judge of the municipal court may discharge any
24 such bail or recognizance and release the person on his own
25 recognizance.

26 (cf: P.L.1974, c.93, s.1)

27 ¹[132.] 135.¹ N.J.S.2A:164-1 is amended to read as follows:

28 2A:164-1. In order that judges conducting courts for the trial
29 of criminal cases may have complete information for use in
30 determining sentences to be imposed, there may be organized and
31 operated in each county a clinic for the study of the mental and
32 physical conditions of defendants to be sentenced and their
33 environments.

34 Each assignment judge of the superior court shall have
35 authority to organize a clinic in the county or counties in which
36 he presides[, or, by consent of such assignment judge, the judge or
37 judges of the county court and the juvenile and domestic relations
38 court in each county shall have authority to organize a clinic for
39 such county].

40 A clinic shall consist of any number of qualified persons, more
41 than 3, as shall seem proper to the assignment judge [or the
42 judges] organizing the same, 1 of which number shall be the
43 county probation officer, 1 a physician licensed to practice in this
44 state and 1 a psychologist.

45 Every clinic shall be conducted in accordance with rules
46 prescribed by the courts which it shall serve and shall be
47 operated without expense to the county in which it is organized
48 unless the board of chosen freeholders thereof shall appropriate
49 money to defray such expenses, which they are hereby authorized
50 to do.

51 (cf: N.J.S.2A:164-1)

1 ¹[133.] 136. N.J.S.2A:168-5 is amended to read as follows:

2 ~~2A:168-5. The [judges of the County Court] Assignment Judge~~
3 ~~of the Superior Court in each county[, or a majority of them,~~
4 ~~acting jointly] may appoint a chief probation officer, and, on~~
5 ~~application of the chief probation officer, such men and women~~
6 ~~probation officers as may be necessary. Before any order is made~~
7 ~~by such judge [or judges of the County Court] appointing any~~
8 ~~additional probation officers, a notice of the time and place,~~
9 ~~when and where such order shall be considered, shall be given to~~
10 ~~the board of chosen freeholders of the county and they shall be~~
11 ~~given an opportunity to be heard as to the necessity of such~~
12 ~~additional probation officers. All probation officers [appointed~~
13 ~~subsequent to April twenty-second, one thousand nine hundred~~
14 ~~and twenty-nine,] who are to receive salaries shall be appointed~~
15 ~~in accordance with the rules and regulations of the Civil Service~~
16 ~~Commission. Orders of appointment shall be in writing and be~~
17 ~~filed in the office of the county clerk.~~

18 [Chief probation officers and probation officers in office April
19 twenty-second, one thousand nine hundred and twenty-nine, shall
20 continue to serve in their respective counties under the
21 provisions of this chapter.]

22 (cf: P.L.1953, c.311, s.1)

23 ¹[134.] 137. N.J.S.2A:168-7 is amended to read as follows:

24 2A:168-7. The chief probation officer shall have general
25 supervision of the probation work under the direction of the
26 court. He may appoint such other employees as may be necessary
27 to carry out the purposes of this chapter, but the amount
28 expended for this purpose shall not exceed the amount
29 appropriated therefor in the annual county budget. The chief
30 probation officer may make such necessary rules and regulations
31 with respect to the management and conduct of the probation
32 officers and other employees as may be authorized by the [judge
33 or judges of the county court] Assignment Judge of the Superior
34 Court.

35 (cf: N.J.S.2A:168-7)

36 ¹[135.] 138. N.J.S.2A:168-8 is amended to read as follows:

37 2A:168-8. The judge [or judges] authorized to appoint a chief
38 probation officer or probation officers shall fix, by order under
39 the hand of such judge [or judges], annual salaries to be paid such
40 officers, and before any such order shall be made by such judge
41 [or judges], notice of the time and place, when and where such
42 order shall be considered, shall be given to the board of chosen
43 freeholders of the county and such board shall be given an
44 opportunity to be heard upon the same and such order shall be
45 filed in the office of the [clerk of the] County [Court] Clerk. The
46 amounts so fixed shall be paid in equal semimonthly payments in
47 the same manner as the salaries of other officers of the county.

48 The necessary and reasonable expenses of salaried probation
49 officers incurred in the performance of their duties shall be paid

1 out of the county treasury, after itemized statements of such
2 expenses have been approved by the chief probation officer and
3 [one of the County Court judges] the Assignment Judge of the
4 Superior Court and filed in the office of the county treasurer. On
5 request of the chief probation officer, the necessary traveling
6 and maintenance expenses in attending probation officers'
7 meetings and conferences of social work shall be included, when
8 previously authorized by the judge [or judges] authorized to
9 appoint probation officers.

10 The salaries of employees appointed by the chief probation
11 officer shall be fixed by the board of chosen freeholders in
12 accordance with the schedules of the Civil Service Commission,
13 and paid in the same manner as the salaries of probation officers.

14 (cf. P.L.1953, c.311, s.2)

15 ¹[136.] 139. N.J.S.2A:168-9 is amended to read as follows:

16 2A:168-9. In case of the absence or disqualification of any
17 probation officer for any cause, [the judge or judges of the county
18 court] the Assignment Judge of the Superior Court may appoint
19 some other person to serve temporarily as a probation officer,
20 who shall receive as compensation for each day's service a sum
21 determined by the court. The compensation so paid for any
22 excess over 90 days' absence of any probation officer in any 1
23 year may be deducted from the salary of such probation officer.

24 (cf. N.J.S.2A:168-9)

25 ¹[137.] 140. Section 5 of P.L.1954, c.181 (C.2A:170-20.4) is
26 amended to read as follows:

27 5. It shall be unlawful for any organization or association
28 consisting in whole or in part of law enforcement officers of this
29 State, or any county or municipality thereof or in whole or in part
30 of law enforcement officers of any other State, and created or
31 established in any other State, or any officer, member, agent or
32 employee of such organization or association, to solicit or collect
33 any funds or contributions in this State except in full compliance
34 with all of the provisions of this act regulating solicitations or
35 collections for or on behalf of any organization or association of
36 law enforcement officers of this State or any county or
37 municipality thereof.

38 ~~Any such organization or association for or on behalf of which~~
39 any solicitations or collections are made in this State, and the
40 officers and members thereof, shall be the making of such
41 solicitations or collections make and constitute the
42 Attorney-General of New Jersey, its and their agent for the
43 acceptance of process in any action or proceeding, civil, criminal
44 or administrative, issuing out of the Superior Court[, or any
45 County Court or county district court,] or municipal court, or
46 other court of civil or criminal jurisdiction, or issuing from any
47 agency or instrumentality of this State, against such organization
48 or association or any of its officers or members arising out of or
49 by reason of such solicitations or collections or the maintenance

1 of the trust fund established with the proceeds thereof. The
2 solicitation or collection within this State of funds or
3 contributions for or on behalf of any such organization or
4 association shall be the signification of the agreement of such
5 organization or association and the officers or members thereof,
6 of its or their agreement that any such process against it or
7 them which is so served shall be of the same legal force and
8 validity as if served upon them personally or upon it in
9 accordance with law within this State.

10 Any person who violates any provision of this section is a
11 disorderly person.

12 (cf: P.L.1954, c.181, s.5)

13 ~~1[138.] 141.1~~ Section 1 of P.L.1975, c.182 (C.2A:170-90.3) is
14 amended to read as follows:

15 1. As used in this act:

16 a. The term "earnings" means compensation paid or payable for
17 personal services, whether denominated as wages, salary,
18 commission, bonus, income from trust funds, profits, or
19 otherwise, and includes periodic payments pursuant to a pension
20 or retirement program.

21 b. The term "garnishment" means any legal or equitable
22 procedure through which the earnings of any individual are
23 required to be withheld for payment of any debt, and specifically
24 includes any order of the Superior Court[, County Court, or
25 county district court,] directing that an execution issue against
26 earnings as herein defined.

27 (cf: P.L.1975, c.182, s.1)

28 ~~1[139.] 142.1~~ N.J.S.2C:1-14 is amended to read as follows:

29 2C:1-14. In this code, unless a different meaning plainly is
30 required:

31 a. "Statute" includes the Constitution and a local law or
32 ordinance of a political subdivision of the State;

33 b. "Act" or "action" means a bodily movement whether
34 voluntary or involuntary;

35 c. "Omission" means a failure to act;

36 d. "Conduct" means an action or omission and its
37 accompanying state of mind, or, where relevant, a series of acts
38 and omission;

39 e. "Actor" includes, where relevant, a person guilty of an
40 omission;

41 f. "Acted" includes, where relevant, "omitted to act";

42 g. "Person," "he," and "actor" include any natural person and,
43 where relevant, a corporation or an unincorporated association;

44 h. "Element of an offense" means (1) such conduct or (2) such
45 attendant circumstances or (3) such a result of conduct as

46 (a) Is included in the description of the forbidden conduct in the
47 definition of the offense;

48 (b) Establishes the required kind of culpability;

49 (c) Negatives an excuse or justification for such conduct;

1 (d) Negatives a defense under the statute of limitations; or

2 (e) Establishes jurisdiction or venue;

3 i. "Material element of an offense" means an element that
4 does not relate exclusively to the statute of limitations,
5 jurisdiction, venue or to any other matter similarly unconnected
6 with (1) the harm or evil, incident to conduct, sought to be
7 prevented by the law defining the offense, or (2) the existence of
8 a justification or excuse for such conduct;

9 j. "Reasonably believes" or "reasonable belief" designates a
10 belief the holding of which does not make the actor reckless or
11 criminally negligent.

12 k. "Offense" means a crime, a disorderly persons offense or a
13 ~~petty disorderly persons offense unless a particular section in this~~
14 ~~code is intended to apply to less than all three.~~

15 l. ["County Court" shall mean the Superior Court after
16 December 7, 1978.] Deleted by amendment, P.L. c. .

17 m. "Amount involved," "benefit," and other terms of value.
18 Where it is necessary in this act to determine value, for purposes
19 of fixing the degree of an offense, that value shall be the fair
20 market value at the time and place of the operative act.

21 (cf: P.L.1979, c.178, s.8)

22 ¹[140.] ~~143.~~¹ Section 8 of P.L.1981, c.167 (C.2C:20-20) is
23 amended to read as follows:

24 8. Civil Actions. a. Any person damaged in his business or
25 property by reason of a violation of section 7 of this amendatory
26 and supplementary act may sue therefor in any appropriate court
27 and shall recover threefold any damages he sustains and the cost
28 of the suit, including a reasonable attorney's fee, costs of
29 investigation and litigation.

30 b. (1) All persons who have possessed or obtained control of
31 stolen property are liable as principals and may be sued jointly or
32 severally, whether or not possession or control was joint.

33 (2) Any person held liable for possession or control of stolen
34 property under chapter 20 of Title 2C of the New Jersey
35 Statutes shall have standing to bring a civil action for
36 contribution from any person who possessed or exercised control
37 over the stolen property and who knew, had reason to know, or
38 was reckless with regard to the risk that it was stolen.

39 c. Any action for damages under chapter 20 of Title 2C of the
40 New Jersey Statutes shall be maintained in the Superior Court [or
41 county district court,] sitting without a jury.

42 (cf: P.L.1981, c.167, s.8)

43 ¹[141.] ~~144.~~¹ Section 7 of P.L.1981, c.426 (C.2C:25-7) is
44 amended to read as follows:

45 7. A law enforcement officer shall disseminate to the victim
46 the following notice, which shall be written in both English and
47 Spanish:

48 "You have the right to go to the [juvenile and domestic
49 relations court] Superior Court and file a complaint requesting

1 relief including but not limited to the following: an order
2 restraining your attacker from abusing you or directing your
3 attacker to leave your household. You may request that the clerk
4 of the court assist you in applying for this order. You also have
5 the right to go to court and file a criminal complaint.

6 ~~"On weekends, holidays and other times when the courts are~~
7 ~~closed, you may go to the municipal court for an emergency order~~
8 ~~granting the relief set forth above."~~

9 (cf: P.L.1982, c.82, s.4)

10 ¹[142.] 145.¹ N.J.S.2C:43-15 is amended to read as follows:

11 2C:43-15. The subject matter and a tentative draft of a rule or
12 rules proposed to be adopted pursuant to this chapter shall be
13 entered upon the agenda and discussed at a Judicial Conference
14 whose membership shall at least include delegates from the
15 Supreme Court, the Appellate Division of the Superior Court, the
16 judges of the [Law Division and the Chancery Division of the]
17 Superior Court, [the judges of the county district courts, the
18 judges of the juvenile and domestic relations courts,] the judges
19 of the municipal courts, the surrogates, the State Bar
20 Association, the county bar associations, the Senate and General
21 Assembly, the Attorney-General, the county prosecutors, the law
22 schools of this State, and members of the public.

23 (cf: P.L.1979, c.178, s.90)

24 ¹[143.] 146.¹ Section 3 of P.L.1979, c.396 (C.2C:46-4) is
25 amended to read as follows:

26 3. a. All fines and restitution shall be collected as follows:

27 (1) All fines and restitution imposed by the Superior Court [or
28 county district court,] or otherwise imposed at the county level,
29 shall be collected by the county probation department except
30 when such fine or restitution is imposed in conjunction with a
31 custodial sentence to a State correctional facility in which event
32 such fine or restitution shall be collected by the Department of
33 Corrections.

34 (2) All fines and restitution imposed by a municipal court shall
35 be collected by the municipal court clerk except if such fine or
36 restitution is ordered as a condition of probation in which event it
37 shall be collected by the county probation department.

38 All fines so collected shall be distributed to the appropriate
39 governmental treasury as provided herein.

40 b. Except as provided in subsection c. with respect to fines
41 imposed on appeals following convictions in municipal courts, all
42 fines imposed by the Superior Court [county district court,] or
43 otherwise imposed at the county level, shall be paid over by the
44 officer entitled to collect same to:

45 (1) The county treasurer with respect to fines imposed on
46 defendants who are sentenced to and serve a custodial term,
47 including a term as a condition of probation, in the county jail,
48 workhouse or penitentiary except where such county sentence is
49 served concurrently with a sentence to a State institution; or

1 (2) The State Treasurer, with respect to all other fines.

2 c. All fines imposed by municipal courts on defendants
3 convicted of crimes, disorderly persons offenses and petty
4 disorderly persons offenses, and all fines imposed following
5 conviction on appeal therefrom, and all forfeitures of bail shall
6 be paid over by the officer entitled to collect same to the
7 treasury of the municipality wherein the municipal court is
8 located.

9 In the case of an intermunicipal court, fines shall be paid into
10 the municipal treasury of the municipality in which the offense
11 was committed, and costs, fees, and forfeitures of bail shall be
12 apportioned among the several municipalities to which the
13 court's jurisdiction extends, according to the ratios of the
14 municipalities' contributions to the total expense of maintaining
15 the court.

16 (cf: P.L.1983, c.73, s.1)

17 ¹[144.] 147.¹ Section 4 of P.L.1979, c.396 (C.2C:46-5) is
18 amended to read as follows:

19 4. This act shall not affect fines and restitutions imposed under
20 Title 39 of the Revised Statutes or in proceedings in the [juvenile
21 and domestic relations court,] Superior Court, Chancery
22 Division, Family Part which shall remain as heretofore.

23 (cf: P.L.1979, c. 396, s.4)

24 ¹[145.] 148.¹ N.J.S.3A:25-12 is amended to read as follows:

25 3A:25-12. When a portion of the proceeds of real estate sold by
26 judgment of the superior [or county] court to satisfy debts of a
27 decedent is invested for the benefit of the surviving spouse
28 during his or her lifetime, the court directing the sale, shall, upon
29 the death of the life beneficiary, order the portion so invested to
30 be distributed to the heirs or devisees of the person whose real
31 estate was so sold in accordance with the law of descent or the
32 will of the testator, as the case may be, unless the amount
33 realized from the sale of said real estate remaining after the
34 investment of said portion for the benefit of the surviving spouse
35 was insufficient to pay the debts of the decedent as proved and
36 allowed in the proceedings in which said judgment to sell was
37 made and, in such case, the court shall direct the payment of the
38 balance of such debts out of said principal sum so invested, so far
39 as it shall be adequate for that purpose, in pro rata shares
40 according to the amount of such debts so proved and allowed and
41 shall direct distribution of any balance of said principal sum,
42 remaining after the payment of said debts and interest, among
43 the said heirs and devisees as aforesaid. However, that if any
44 creditor, his personal representative or successor in interest,
45 neglects for 6 years after the death of such surviving spouse to
46 claim any balance upon his claim so proved and allowed as
47 aforesaid, the share of said principal sum which would have been
48 paid to such creditor hereunder, shall be distributed, by order of
49 the court, among the said heirs and devisees as aforesaid.

50 (cf: N.J.S.3A:25-12)

1 ~~1~~[146.] 149.¹ N.J.S.3A:36-2 is amended to read as follows:

2 13A:36-2. A widow or widower entitled to dower or curtesy in
3 real estate whereof her or his spouse died seized, an heir,
4 devisee, or guardian of a minor or mental incompetent entitled to
5 an estate in the real estate, or a purchaser thereof, may institute
6 an action in the superior court [, or the county court of the
7 county wherein the real estate is situate,] for the assignment to
8 the widow or widower of her or his dower or curtesy therein.

9 [Such an action with respect to real estate in 2 or more
10 counties, may be instituted in the superior court only.]

11 (cf: N.J.S.3A:36-2)

12 ~~1~~[147.] 150.¹ N.J.S.3A:36-3 is amended to read as follows:

13 3A:36-3. When the superior court [or county court] determines
14 that the real estate, or part thereof, is so circumstanced that
15 dower or curtesy cannot be assigned, admeasured and set off
16 without prejudice to the owners, it may direct a sale thereof as in
17 an action for partition where actual partition cannot be had
18 without prejudice to owners, or in its discretion it may direct an
19 assignment of the dower or curtesy from the rents and profits of
20 the real estate. The court may order the real estate sold free
21 from dower or curtesy, making compensation for the value
22 thereof.

23 (cf: N.J.S.3A:36-3)

24 ~~1~~[148.] 151.¹ N.J.S.3A:36-4 is amended to read as follows:

25 3A:36-4. If real estate is lawfully sold by a sheriff, assignee in
26 bankruptcy or other public officer, whereby an inchoate right of
27 dower or curtesy does or shall remain, the purchaser shall have
28 the right, in an action in the superior court [, or the county court
29 of the county wherein the real estate is situate,] to have one half
30 part thereof, or such other part according to the law in force
31 when the right or estate became vested, admeasured and set off
32 as and for the dower or curtesy portion.

33 (cf: N.J.S.36-4)

34 ~~1~~[149.] 152.¹ R.S.4:1-23 is amended to read as follows:

35 4:1-23. The Superior Court [and the county courts, county
36 district courts] and municipal courts, within their respective
37 territorial jurisdictions, may grant such writs and orders as may
38 be appropriate, including search warrants, according to the
39 practice of such courts and in a summary manner, to enable the
40 officers and employees of the department effectively to enforce
41 the provisions of law which the department is charged with
42 enforcing.

43 (cf: P.L.1953, c.5, s.1)

44 ~~1~~[150.] 153.¹ Section 6 of P.L.1962, c.126 (C.4²[A]²:2A-6) is
45 amended to read as follows:

46 6. Any person who violates any of the provisions of this act, or
47 the rules and regulations thereunder, shall be liable to a penalty
48 of not more than \$50.00 for the first offense, and not more than
49 \$200.00 for any subsequent offense.

1 For the purposes of section 2 of this act a master shall be
2 liable for the actions of his servant to the same extent as the
3 servant.

4 Penalties set forth in this act shall be sued for by and in the
5 name of the secretary and shall be recoverable with costs.
6 [County Courts, county district courts] The Superior Court and
7 municipal courts shall have jurisdiction to enforce the provisions
8 of this act. Any proceeding for a violation of this act may be
9 brought in the [county or] municipality where the violator resides,
10 has a place of business, or principal office or where the act or
11 omission or part thereof complained of occurred. The proceeding
12 shall be summary in nature and in accordance with the Penalty
13 Enforcement Law (N.J.S.2A:58-1 et seq.).

14 In addition, the secretary may apply to the Superior Court for a
15 judgment to restrain any violation or continuing violations of this
16 act and the rules and regulations adopted thereunder.

17 (cf: P.L.1962, c.126, s.6)

18 ¹[151.] 154. Section 8 of P.L.1965, c.94 (C.4:3-11.17) is
19 amended to read as follows:

20 8. Any eggs marketed in violation of any provision of this act
21 may be confiscated by a summary proceeding instituted by the
22 secretary. The [county district court] Superior Court or the
23 municipal court having jurisdiction in the [county or]
24 municipality[, as the case may be,] in which such eggs are found
25 shall have jurisdiction to hear and determine such proceedings.

26 (cf: P.L.1965, c.94, s.8)

27 ¹[152.] 155. Section 14 of P.L.1965, c.94 (C.4:3-11.23) is
28 amended to read as follows:

29 14. Any person who violates any provision of this act, or the
30 rules and regulations issued pursuant thereto, shall be liable to a
31 penalty of not less than \$50.00 nor more than \$100.00 for the
32 first offense and a penalty of not less than \$100.00 nor more
33 than \$200.00 for a second offense occurring within 1 year at the
34 same location. Persistent violators who commit a third or
35 subsequent offense at any individual location within 1 year shall
36 be liable to a penalty of not less than \$300.00 nor more than
37 \$500.00 for each such offense. Every day upon which a violation
38 occurs at the same individual location shall be considered a
39 separate violation. Penalties set forth in this act shall be sued
40 for by and in the name of the secretary and shall be recoverable
41 with costs. [Every county district] The Superior Court and every
42 municipal court shall have jurisdiction to enforce the provisions
43 of this act. Any proceedings for a violation of this act may be
44 brought in the [county or] municipality where the violator resides,
45 has a place of business or principal office or where the act or
46 omission or part thereof complained of occurred. The
47 proceedings shall be summary in nature and in accordance with
48 the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.).

49 (cf: P.L.1972, c.39, s.2)

1 ¹[153.] 156.¹ Section 7 of P.L.1938, c.82 (C.4:3-18) is amended
2 to read as follows:

3 7. ~~Any person convicted~~ of violating any of the provisions of
4 this act shall for the first offense be liable to a penalty not
5 exceeding twenty-five dollars (\$25.00) and for any subsequent
6 offense shall be liable to a penalty not exceeding fifty dollars
7 (\$50.00). A civil action for the recovery of a penalty for the
8 violation of any of the provisions of this act may be instituted
9 and the penalty recovered either in the [county district court of
10 any county] Superior Court or before the municipal court of any
11 municipality. Jurisdiction to hear and determine actions under
12 this act is hereby conferred upon the said courts.

13 (cf: P.L.1953, c.5, c.3)

14 ¹[154.] 157.¹ Section 15 of P.L.1957, c.140 (C.4:5-106.15) is
15 amended to read as follows:

16 15. ~~Jurisdiction of proceedings to collect penalties collectible~~
17 ~~under the provisions of this act is vested in the [County] Superior~~
18 ~~Court [, the county district court] and the municipal court in any~~
19 ~~[county or] municipality where the defendant may be apprehended~~
20 ~~or where he may reside. Process shall be either a summons or~~
21 ~~warrant and shall be prosecuted in a summary manner pursuant to~~
22 ~~the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.).~~

23 (cf: P.L.1957, c.140, s.15)

24 ¹[155.] 158.¹ Section 6 of P.L.1983, c.179 (C.4:5A-25) is
25 amended to read as follows:

26 6. a. The department shall annually adopt a penalty schedule
27 for specific violations of the provisions of this act or regulations
28 adopted pursuant to this act. Penalties shall be set between a
29 minimum of \$100.00 to a maximum of \$3,000.00 per violation.

30 b. Penalties shall be collected in a summary proceeding
31 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et
32 seq.). The Superior Court or any [county district or] municipal
33 court where the defendant may reside, or where the violation
34 was detected, or where the defendant was apprehended shall have
35 jurisdiction to enforce the act and the regulations adopted
36 thereunder.

37 c. The department may bring an administrative action before
38 an administrative law judge to enforce the provisions of this act
39 or regulations adopted thereunder. Any final determination and
40 penalty assessment by an administrative law judge may be
41 enforced in the Superior Court in an action brought for that
42 purpose by the Attorney General on behalf of the department.

43 d. Any habitual violation of the provisions of this act or any
44 regulations adopted thereunder may be restrained by the Superior
45 Court in an action brought for that purpose by the Attorney
46 General on behalf of the department.

47 (cf: P.L.1983, c.179, s.6)

48 ¹[156.] 159.¹ R.S.4:6-17 is amended to read as follows:

49 4:6-17. Any penalty imposed by this act shall be collected or

1 enforced in a summary manner, without a jury, in any court of
2 competent jurisdiction according to the procedure provided by
3 the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.). The
4 Superior Court [, County Court, county district court] and
5 municipal court shall have jurisdiction to enforce the provisions
6 of this act.

7 Any violation of this chapter or any of the orders or rules or
8 regulations of the department made pursuant to this act may be
9 restrained by the Superior Court in an action brought for such
10 purpose by the department.

11 The State Police, county and municipal law enforcement
12 officers are authorized and directed to assist in the enforcement
13 of the provisions of this chapter upon request by the department.

14 Any person aggrieved by an order of this department pursuant
15 to this act shall have 15 days from the date of delivery of said
16 order to petition the department for administrative hearing. The
17 department shall, within 30 days of such petition, schedule said
18 hearing in accordance with the Administrative Procedure Act,
19 P.L.1968, c.410 (C.52:14B-1 et seq.).

20 (cf: P.L.1977, c.159, s.7)

21 ¹[157.] 160.¹ R.S.4:7-14 is amended to read as follows:

22 4:7-14. A person who shall violate any of the provisions of this
23 article shall be subject to a penalty of fifty dollars (\$50.00) for
24 each sale, shipment or delivery in violation of this article or for
25 each failure to obey the order or direction of the department
26 made by authority of [sections] R.S.4:7-8 and R.S.4:7-9 [of this
27 Title].

28 Penalties shall be sued for and recovered by and in the name of
29 the department in the manner provided in article one of chapter
30 twenty-three of this Title (Sec. 4:23-1 et seq.), [except that such
31 proceeding may be had only in a county district court of any
32 county] in the Superior Court or municipal court of any
33 municipality.

34 (cf: P.L.1953, c.5, s.7)

35 ¹[158.] 161.¹ R.S.4:7-18 is amended to read as follows:

36 4:7-18. A person who shall fail to obey an order of the
37 department made and served as prescribed in [section] R.S.4:7-17
38 [of this Title], within the time therein specified, shall be liable to
39 a penalty of fifty dollars (\$50.00) to be sued for and recovered by
40 and in the name of the department in the manner provided in
41 article one of chapter twenty-three of this Title (Sec. 4:23-1 et
42 seq.) [except that such proceeding may be had only in any county
43 district court of any county] in the Superior Court or municipal
44 court of any municipality.

45 (cf: P.L.1953, c.5, s.8)

46 ¹[159.] 162.¹ R.S.4:7-24 is amended to read as follows:

47 4:7-24. No nurseryman within the State shall sell or offer for
48 sale any nursery stock or shall deliver the same within the State
49 until it has been inspected by the department and until a

1 certificate has been issued to him in accordance with the
2 provisions of section 4:7-22 of this Title.

3 For every sale or shipment to a point within this State in
4 violation of this section, a nurseryman shall be liable to a penalty
5 of fifty dollars (\$50.00) to be sued for and recovered by and in the
6 name of the department in the manner provided in article one of
7 chapter twenty-three of this Title (Sec. 4:23-1 et seq.) [except
8 that such proceedings may be had only in a county district court
9 of any county] in the Superior Court or municipal court of any
10 municipality.

11 (cf: P.L.1953, c.5, s.10)

12 ¹[160.] 163. ¹R.S.4:7-26 is amended to read as follows:

13 4:7-26. Any nurseryman to whom a certificate has been issued,
14 who shall:

15 a. Use the same on stock not actually inspected; or

16 b. In any way fail to comply with the conditions upon which the
17 certificate was issued or the requirements of sections 4:7-15 to
18 4:7-35 of this title _____.

19 Shall be liable to a penalty of one hundred dollars (\$100.00) for
20 each offense, to be sued for and recovered by and in the name of
21 the department in the manner provided in article one of chapter
22 twenty-three of this Title (Sec. 4:23-1 et seq.) [except that such
23 proceedings may be had only in a county district court of any
24 county,] in the Superior Court or municipal court of any
25 municipality, and the certificate of such nurseryman may be
26 canceled in the discretion of the department.

27 (cf: P.L.1953, c.5, s.11)

28 ¹[161.] 164. ¹R.S.4:7-33 is amended to read as follows:

29 4:7-33. Every carrier for hire maintaining offices or stations
30 within this State for the receipt of nursery stock for
31 transportation to points within or without the State, and the
32 agents and servants of every such carrier, shall determine, before
33 accepting stock for transportation to points within or without the
34 State, that the stock offered for shipment at any such office or
35 station is properly provided with a certificate as required by
36 [sections] R.S.4:7-15 to R.S.4:7-35 [of this Title], signed by
37 authority of the department and valid by its terms at the date on
38 which the shipment is offered.

39 Every such carrier for hire and the agents and servants of
40 every such carrier shall refuse for transportation in and delivery
41 to points within this State, all boxes, bales, or parcels of nursery
42 stock which are not accompanied by a certificate of inspection as
43 required by [section] R.S.4:7-30 [of this Title]; but shipments of
44 nursery stock from countries foreign to the United States, and
45 bearing a certificate signed by a proper official of the country
46 from which the stock was received, may be accepted at any port
47 of entry within the State for transportation to points within or
48 without the State.

49 For every violation of this section, and for every bale, box,

1 parcel or package accepted or transported without
2 such certificate, the carrier shall be liable to a penalty of fifty
3 dollars (\$50.00), to be sued for and recovered by and in the name
4 of the department in the manner provided in article one of
5 chapter twenty-three of this Title (Sec. 4:23-1 et seq.) [except
6 that such proceedings may be had only in a county district court
7 of any county] in the Superior Court or a municipal court of any
8 municipality.

9 (cf: P.L.1953, c.5, s.12)

10 ¹[162.] 165.¹ Section 6 of P.L.1961, c. 125 (C.4:8B-6) is
11 amended to read as follows:

12 6. Any lot of treated grain which is sold or distributed in
13 violation of any provision of this act may be confiscated by a
14 summary proceeding instituted by the State Seed Analyst. The
15 [county district court] Superior Court or municipal court having
16 jurisdiction in the [county or] municipality[, as the case may be,]

17 in which such grain is found shall have jurisdiction to hear and
18 determine such proceeding.

19 (cf: P.L.1961, c.125, s.6)

20 ¹[163.] 166.¹ Section 38 of P.L.1970, c.66 (C.4:9-15.38) is
21 amended to read as follows:

22 38. Any person convicted of violating any provision of this act
23 or of any rule or regulation adopted thereunder other than a
24 violation involving a plant nutrient deficiency shall be subject to
25 a penalty of not less than \$25.00 nor more than \$100.00 for the
26 first offense and not less than \$100.00 nor more than \$500.00 for
27 any subsequent offense within a 3-year period. The penalty shall
28 be collected and enforced in summary proceedings under the
29 Penalty Enforcement Law (N.J.S.2A:58-1 et seq.) in [a county
30 court or county district court] the Superior Court.

31 (cf: P.L.1970, c.66, s.38)

32 ¹[164.] 167.¹ R.S.4:10-15 is amended to read as follows:

33 4:10-15. The action mentioned in [section] R.S.4:10-14 [of this
34 Title] to recover such penalty may be instituted and the penalty
35 recovered either in [a county district court of any county] the
36 Superior Court or before the municipal court of any
37 municipality.

38 Jurisdiction to hear and determine actions instituted under this
39 chapter is hereby conferred upon the said courts.

40 This section shall not apply to [section] R.S.4:10-5 [of this
41 Title].

42 (cf: P.L.1953, c.5, s.22)

43 ¹[165.] 168.¹ Section 8 of P.L.1962, c.62 (C.4:10-33) is
44 amended to read as follows:

45 8. Any person who violates any provision of this act or the rules
46 and regulations issued pursuant thereto shall be liable to a
47 penalty of not less than \$100.00 nor more than \$500.00 for each
48 offense.

49 Each day of violation shall be deemed a separate offense.

1 Penalties set forth in this act shall be sued for by and in the
2 name of the secretary and shall be recoverable with costs.
3 [County district courts] The Superior Court and municipal courts
4 shall have jurisdiction to enforce the provisions of this act or of
5 any rule or regulation issued pursuant thereto. Any proceeding
6 for a violation of this act may be brought in the [county or]
7 municipality where the violator resides, has a place of business or
8 principal office or where the act or omission or part thereof
9 complained of occurred. The proceeding shall be summary in
10 nature and in accordance with the Penalty Enforcement Law
11 (N.J.S. 2A:58-1 et seq.).

12 The secretary may institute an action in the Superior Court for
13 injunctive relief to prevent and restrain any violation of this act
14 or of any rules or regulations issued pursuant thereto.
15 (cf: P.L.1962, c.62, s.8)

16 ¹[166.] 169.¹ Section 7 of P.L.1963, c.116 (C.4:10-40) is
17 amended to read as follows:

18 7. Any person who violates any provision of this act, or the
19 rules and regulations issued pursuant thereto, shall be liable to a
20 penalty of not less than \$50.00 nor more than \$100.00 for the
21 first offense and a penalty of not less than \$100.00 nor more than
22 \$200.00 for the second offense occurring within 1 year.
23 Persistent violators who commit a third or subsequent offense
24 within 1 year shall be liable to a penalty of not less than \$300.00
25 nor more than \$500.00 for each such offense. Every day upon
26 which a violation occurs shall be considered to be a separate
27 violation.

28 Penalties set forth in this act shall be sued for by and in the
29 name of the secretary and shall be recoverable with costs.
30 [County district courts] The Superior Court and municipal courts
31 shall have jurisdiction to enforce the provisions of this act and of
32 any rule or regulation issued pursuant thereto. Any proceeding
33 for a violation of this act may be brought in the county or
34 municipality where the violator resides, has a place of business or
35 principal office or where the act or omission or part thereof
36 complained of occurred. The proceeding shall be summary in
37 nature and in accordance with the Penalty Enforcement Law
38 (N.J.S.2A:58-1 et seq.).

39 The secretary may institute an action in the Superior Court for
40 injunctive relief to prevent and restrain any violation of this act
41 or any rules or regulations issued pursuant thereto.
42 (cf: P.L.1974, c.164, s.3)

43 ¹[167.] 170.¹ Section 30 of P.L.1971, c.308 (C.4:10-72) is
44 amended to read as follows:

45 30. Any person who violates any provision of this act or of any
46 marketing program issued pursuant to this act shall be liable to a
47 penalty of not less than \$100.00 nor more than \$500.00 for each
48 offense.

49 Each day of violation shall be deemed a separate offense.

1 Penalties set forth in this act shall be sued for by and in the
2 name of the secretary, and shall be recoverable with costs.
3 [County district courts] The Superior Court and municipal courts
4 shall have jurisdiction to enforce the provisions of this act or of
5 any marketing program issued pursuant to this act. Any
6 proceeding for a violation of this act may be brought in the
7 [county or] municipality where the violator resides, has a place of
8 business or principal office, or where the act or omission or part
9 thereof complained of occurred. The proceeding shall be
10 summary in nature and in accordance with the Penalty
11 Enforcement Law (N.J.S.2A:58-1 et seq.). A warrant may be
12 issued in lieu of summons. If judgment shall be rendered for the
13 plaintiff, the court shall cause any defendant, who may refuse or
14 fail to pay forthwith the amount of the judgment rendered
15 against him and all costs and charges incident thereto, to be
16 committed to the county jail for a period not exceeding 30 days.

17 If a defendant who is committed to jail in default of payment
18 of the penalty shall serve the full period for which he shall be
19 committed, upon his release from jail he shall be entitled to have
20 the judgment satisfied of record.

21 The secretary may institute an action in the Superior Court for
22 injunctive relief to prevent and restrain any violation of this act
23 or of any marketing program issued pursuant to the act.

24 Any action based upon the violation of this act or any
25 marketing program issued pursuant to this act shall be
26 commenced within 1 year from the date of the violation.

27 The penalties and remedies prescribed in this section shall be
28 concurrent and alternative and shall not bar any other civil,
29 criminal or administrative action authorized by law in respect to
30 such violation.

31 (cf: P.L.1971, c.308, s.30)

32 ¹[168.] 171.1 Section 41 of P.L.1941, c. 274 (4:12A-41) is
33 amended to read as follows:

34 41. The [County Courts and the county district courts] Superior
35 Court shall have jurisdiction of actions for penalties under this
36 act and such penalties shall be collected and enforced in a
37 summary manner pursuant to the "penalty enforcement law"
38 (2A:58-1 et seq.). If judgment be rendered for the plaintiff and
39 the defendant fail forthwith to pay the amount of the judgment
40 and the costs and charges incident thereto, said defendant may
41 be committed to the county jail for any period not exceeding one
42 hundred days.

43 (cf: P.L.1953, c.5, s.36)

44 ¹[169.] 172.1 R.S.4:17-2 is amended to read as follows:

45 4:17-2. Any person who trespasses upon the agricultural or
46 horticultural lands of another is liable to a penalty of not less
47 than \$100.00, to be collected in a civil action by a summary
48 proceeding under "the penalty enforcement law" (N.J.S.2A:58-1
49 et seq.). The Superior Court [and county district court] shall have

1 jurisdiction to enforce the "penalty enforcement law." If the
2 violation is of a continuing nature, each day during which it
3 continues constitutes an additional, separate and distinct
4 offense. As used in this act, "agricultural or horticultural lands"
5 means lands devoted to the production for sale of plants and
6 animals useful to man, encompassing plowed or tilled fields,
7 standing crops or their residues, cranberry bogs and appurtenant
8 dams, dikes, canals, ditches and pump houses, including
9 impoundments, man-made reservoirs and the adjacent shorelines
10 thereto, orchards, nurseries and lands with a maintained fence for
11 the purpose of restraining domestic livestock. "Agricultural or
12 horticultural lands" shall also include lands in agricultural use, as
13 defined in section 3 of P.L.1983, c.32 (C.4:1C-13) where public
14 notice prohibiting trespass is given by actual communication to
15 the actor, conspicuous posting, or fencing or other enclosure
16 manifestly designed to exclude intruders. Nothing in this act
17 shall relieve owners of agricultural or horticultural lands from
18 the obligation to provide conspicuous posting prohibiting trespass
19 ~~on the waters or banks along or around any waters listed for~~
20 ~~stocking with fish in the current fish code adopted pursuant to~~
21 ~~section 32 of P.L.1948, c. 448 (C.13:1B-30) before a trespass~~
22 ~~violation may be found.~~

23 (cf: P.L.1983, c. 521, s.1)

24 ¹[170.] 173. R.S.4:19-8 is amended to read as follows:

25 4:19-8. An owner or person harboring a dog which is found
26 killing, worrying or wounding any sheep, lamb, domestic animal or
27 poultry, who shall, after being informed thereof, fail to kill the
28 dog within twenty-four hours after receiving such information,
29 shall be liable, to any person who shall sue for the same, to a
30 penalty of ten dollars (\$10.00), to be recovered with costs by a
31 civil action before the [district court of the county,] Superior
32 Court and shall also pay triple damages for any injury done.

33 (cf: P.L.1953, c.5, s.48)

34 ¹[171.] 174. Section 21 of P.L.1941, c. 151 (4:19-15.21) is
35 amended to read as follows:

36 21. The ~~[county district courts]~~ Superior Court and the
37 municipal courts shall have jurisdiction to hear and determine in
38 a summary manner proceedings for violations of any of the
39 provisions of this act. Penalties for such violations shall be
40 enforced and recovered pursuant to "the penalty enforcement
41 law" (2A:58-1 et seq.) at the suit of the Director of Health of the
42 State of New Jersey or of the local board of health or the
43 municipality. Process shall be either in the nature of a summons
44 or warrant.

45 (cf: P.L.1953, c.5, s.49)

46 ¹[172.] 175. Section 8 of P.L.1983, c. 172 (4:19A-7) is
47 amended to read as follows:

48 8. Any person who knowingly:

49 a. Falsifies proof of eligibility for, or participation in, any of

1 jurisdiction to enforce the "penalty enforcement law." If the
2 violation is of a continuing nature, each day during which it
3 continues constitutes an additional, separate and distinct
4 offense. As used in this act, "agricultural or horticultural lands"
5 means lands devoted to the production for sale of plants and
6 animals useful to man, encompassing plowed or tilled fields,
7 standing crops or their residues, cranberry bogs and appurtenant
8 dams, dikes, canals, ditches and pump houses, including
9 impoundments, man-made reservoirs and the adjacent shorelines
10 thereto, orchards, nurseries and lands with a maintained fence for
11 the purpose of restraining domestic livestock. "Agricultural or
12 horticultural lands" shall also include lands in agricultural use, as
13 defined in section 3 of P.L.1983, c.32 (C.4:1C-13) where public
14 notice prohibiting trespass is given by actual communication to
15 the actor, conspicuous posting, or fencing or other enclosure
16 manifestly designed to exclude intruders. Nothing in this act
17 shall relieve owners of agricultural or horticultural lands from
18 the obligation to provide conspicuous posting prohibiting trespass
19 on the waters or banks along or around any waters listed for
20 stocking with fish in the current fish code adopted pursuant to
21 section 32 of P.L.1948, c. 448 (C.13:1B-30) before a trespass
22 violation may be found.

23 (cf: P.L.1983, c. 521, s.1)

24 ~~1~~[170.] 173.¹ R.S.4:19-8 is amended to read as follows:

25 4:19-8. An owner or person harboring a dog which is found
26 killing, worrying or wounding any sheep, lamb, domestic animal or
27 poultry, who shall, after being informed thereof, fail to kill the
28 dog within twenty-four hours after receiving such information,
29 shall be liable, to any person who shall sue for the same, to a
30 penalty of ten dollars (\$10.00), to be recovered with costs by a
31 civil action before the [district court of the county,] Superior
32 Court and shall also pay triple damages for any injury done.

33 (cf: P.L.1953, c.5, s.48)

34 ¹[171.] 174.¹ Section 21 of P.L.1941, c. 151 (4:19-15.21) is
35 amended to read as follows:

36 21. The [~~county district courts~~] Superior Court and the
37 municipal courts shall have jurisdiction to hear and determine in
38 a summary manner proceedings for violations of any of the
39 provisions of this act. Penalties for such violations shall be
40 enforced and recovered pursuant to "the penalty enforcement
41 law" (2A:58-1 et seq.) at the suit of the Director of Health of the
42 State of New Jersey or of the local board of health or the
43 municipality. Process shall be either in the nature of a summons
44 or warrant.

45 (cf: P.L.1953, c.5, s.49)

46 ¹[172.] 175.¹ Section 8 of P.L.1983, c. 172 (4:19A-7) is
47 amended to read as follows:

48 8. Any person who knowingly:

49 a. Falsifies proof of eligibility for, or participation in, any of

1 the programs enumerated in section 3 of this act;

2 b. Furnishes any licensed veterinarian of this State with
3 inaccurate information concerning the ownership of an animal
4 submitted for an animal sterilization procedure;

5 c. Furnishes the commissioner with false information
6 concerning an animal sterilization fee schedule or an animal
7 sterilization certificate submitted pursuant to section 5 of this
8 act; or

9 d. Violates in any other manner the provisions of this act, shall
10 be subject to a penalty of not more than \$250.00 for the first
11 offense and not more than \$500.00 for the second and each
12 subsequent offense, to be collected in civil action by a summary
13 proceeding under "the penalty enforcement law" (N.J.S.2A:58-1
14 et seq.). The Superior Court [or county district court] shall have
15 jurisdiction to enforce "the penalty enforcement law."

16 (cf: P.L.1983, c.172, s.8.)

17 ~~1[173.] 176.~~¹ R.S.4:22-20 is amended to read as follows:

18 4:22-29. The action for the penalty prescribed in [section]
19 R.S.4:22-26 or R.S.4:22-27 [of this Title], shall be brought:

20 a. In [a County] the Superior Court [, county district court, or a
21 criminal judicial district court, of the county where the
22 defendant resides or in which the offense was committed]; or

23 b. In a municipal court of the municipality wherein the
24 defendant resides or where the offense was committed.

25 (cf: P.L.1953, c.5, s.66)

26 ¹[174.] 177.¹ R.S.4:23-2 is amended to read as follows:

27 4:23-2. Jurisdiction of proceedings to collect penalties
28 collectible under the provisions of this article is vested in the
29 [County Courts, the county district courts] Superior Court and
30 the municipal courts, and in all other courts or officers
31 specifically authorized by the law under which the proceeding is
32 had, all of which courts and officers are hereinafter in this
33 article designated as the "court."

34 (cf: P.L.1953, c.5, s.87)

35 ¹[175.] 178.¹ R.S.4:23-12 is amended to read as follows:

36 4:23-12. Jurisdiction of proceedings to collect penalties
37 collectible under the provisions of this article is vested in the
38 [County Courts, the county district courts] Superior Court and
39 the municipal courts in any [county or] municipality where the
40 defendant may be apprehended or where he may reside, and all
41 other courts or officers specifically authorized by the law under
42 which the proceeding is had, all of which courts and officers are
43 hereinafter in this article designated as the "court." Process shall
44 be either a summons or warrant and proceedings shall be brought
45 in a summary manner pursuant to the Penalty Enforcement Law
46 (N.J.S.2A:58-1 et seq.).

47 (cf: P.L.1953, c.5, s.95)

48 ¹[176.] 179.¹ Section 15 of P.L.1975, c. 251 (C.4:24-53) is
49 amended to read as follows:

1 15. If any person violates any of the provisions of this act, any
2 standard promulgated pursuant to the provisions of this act, or
3 fails to comply with the provisions of a certified plan the
4 municipality or the district may institute a civil action in the
5 Superior Court for injunctive relief to prohibit and prevent such
6 violation or violations and said court may proceed in a summary
7 manner. Any person who violates any of the provisions of this
8 act, any standard promulgated pursuant to this act or fails to
9 comply with the provisions of a certified plan shall be liable to a
10 penalty of not less than \$25.00 nor more than \$3,000.00 to be
11 collected in a summary proceeding pursuant to the Penalty
12 Enforcement Law (N.J.S.2A:58-1 et seq.). The Superior Court,
13 [County Court, county district court] and municipal court shall
14 have jurisdiction to enforce said Penalty Enforcement Law. If
15 the violation is of a continuing nature, each day during which it
16 continues shall constitute an additional separate and distinct
17 offense.

18 (cf: P.L.1975, c.251, s.15)

19 ¹[177.] 180.¹ R.S.5:3-21 is amended to read as follows:

20 5:3-21. Any person who shall violate any provision of this
21 article shall be subject to a penalty of fifty dollars (\$50.00). Such
22 penalty shall be imposed for each day such violation thereafter
23 continues. The penalties maybe imposed against the owner or
24 lessee of the premises wherein such violation occurs, or both.
25 The [county district courts] Superior Court and the municipal
26 courts shall have jurisdiction of said violations and the penalties
27 hereunder shall be enforced and collected in a summary manner
28 under the "penalty enforcement law" (2A:58-1 et seq.).

29 (cf: P.L.1953, c.6, s.4)

30 ¹[178.] 181.¹ R.S.5:3-29 is amended to read as follows:

31 5:3-29. The Department of Labor [and Industry] may bring a
32 civil action for the recovery of any such penalty in the [County]
33 Superior Court [or county district court of] in the county wherein
34 the violation occurred. All penalties so recovered shall be paid
35 to said department and by it paid into the State treasury.

36 (cf: P.L.1953, c.6, s.5)

37 ¹[179.] 182.¹ R.S.5:4-5 is amended to read as follows:

38 5:4-5. Any person violating any of the provisions of this
39 chapter shall, upon conviction thereof in a summary proceeding
40 before any [county district court or] municipal court of this
41 State, be sentenced to pay a fine not exceeding one hundred
42 dollars (\$100.00) for each such offense, for the use of the State.

43 (cf: P.L.1953, c.6, s.6)

44 ¹[180.] 183.¹ Section 11 of P.L.1940, c.17 (C.5:5-31) is
45 amended to read as follows:

46 11. The Governor may remove any commissioner for
47 inefficiency, neglect of duty or misconduct in office, giving to
48 him a copy of the charges against him and an opportunity of
49 being publicly heard in person or by counsel in his own defense,

1 upon not less than fourteen days' notice either by personal
2 service or registered mail.

3 The Governor shall have power to administer oaths and
4 examine witnesses, and shall have the power to issue subpoenas to
5 compel the attendance of witnesses and the production of all
6 necessary reports, books, papers, documents, correspondence and
7 other evidence at any designated place of hearing. The subpoenas
8 shall be authenticated by the seal of the Governor, and any party
9 to a proceeding before the Governor may secure from him
10 subpoenas without charge. Misconduct on the part of a person
11 attending a hearing or the failure of a witness when duly
12 subpoenaed to attend, give testimony or produce any records,
13 shall be punishable by the [County] Superior Court [of] in the
14 county wherein the offense is committed in the same manner as
15 such failure is punishable by that court in a case therein pending.
16 The Governor shall certify such misconduct, failure to attend or
17 produce records to [such County] the Court.

18 The fees for the attendance of witnesses shall be the same as
19 for the attendance of witnesses in other civil cases.

20 A person who, having been sworn or affirmed as a witness in
21 any such proceeding, shall willfully give false testimony, shall be
22 guilty of perjury.

23 The Governor, or any applicant, may in connection with any
24 hearing before the Governor cause the deposition of witnesses
25 within or without the State to be taken in the same manner as in
26 civil actions in the Superior Court.

27 At the conclusion of such hearing, the Governor shall, within
28 thirty days, make his findings.

29 If such commissioner shall be removed, the Governor shall file
30 in the office of the Secretary of State a complete statement of
31 all charges made against such commissioner and his findings
32 thereof, together with a complete record of the proceedings, and
33 shall give notice of his findings to such commissioner forthwith.

34 The action of the Governor and the propriety thereof shall be
35 subject to review by a proceeding in lieu of prerogative writ in
36 the Superior Court.

37 (cf: P.L.1953, c.6, s.7)

38 ¹[181.] 184.¹ Section 34 of P.L.1940, c.17 (C.5:5-54) is
39 amended to read as follows:

40 34. Each member of the commission and the executive director
41 shall have power to administer oaths and examine witnesses, and
42 shall have the power to issue subpoenas to compel the attendance
43 of witnesses and the production of all necessary reports, books,
44 papers, documents, correspondence and other evidence at any
45 designated place of hearing. The subpoenas shall be authenticated
46 by the seal of the commission, and any party to a proceeding
47 before the commission may secure from its subpoenas without
48 charge. Misconduct on the part of a person attending a hearing
49 or the failure of a witness when duly subpoenaed to attend, give

1 testimony or produce any records, shall be punishable by the
2 [County] Superior Court [of] in the county wherein the offense is
3 committed in the same manner as such failure is punishable by
4 that court in a case therein pending.

5 (cf: P.L.1974, c.181, s.6)

6 ¹[182.] 185. Section 5 of P.L.1959, c.108 (C:5:8-82) is
7 amended to read as follows:

8 5. The commissioner shall have power to suspend and revoke
9 licenses, after hearing, for violation of the law under which the
10 license is issued or for violation of any provision of applicable law
11 or of the rules and regulations made and promulgated by the
12 commissioner.

13 As an alternative to any other sanctions herein or otherwise
14 provided by law, any such violator shall be liable to a penalty of
15 not more than \$250.00 for the first offense and not more than
16 \$500.00 for the second and each subsequent offense.

17 [Every county district court] The Superior Court and every
18 municipal court shall have jurisdiction of proceedings for the
19 collection and enforcement of a penalty imposed because of such
20 violation, within the territorial jurisdiction of the court. The
21 penalty shall be collected and enforced in a summary proceeding
22 pursuant to the Penalty Enforcement Law (N.J.S.2A:58-1, et
23 seq.). Process shall be either in the nature of a summons or
24 warrant and shall issue in the name of the State upon the
25 complaint of the commissioner.

26 Upon receiving evidence of any such violation, the
27 commissioner is empowered to hold hearings upon said violation
28 and upon finding the violation to have been committed, to assess
29 a penalty against the person alleged to have committed such
30 violation, in such amount within the limits of this act as he deems
31 proper under the circumstances. Any such amounts collected by
32 the commissioner shall be paid forthwith into the State Treasury
33 for the general purposes of the State.

34 (cf: P.L.1967, c.90, s.1)

35 ¹[183.] 186. Section 32 of P.L.1938, c.48 (C.6:1-51) is
36 amended to read as follows:

37 32. The Department of Conservation and Economic
38 Development shall have the power to conduct investigations,
39 inquiries and hearings concerning matters covered by the
40 provisions of this act and accidents or injuries incident to the
41 operation of aircraft occurring within this State, and for this
42 purpose the department or its authorized representatives may
43 take possession of any wreckage or aircraft damaged in such
44 accidents and hold same until it releases such possession or unless
45 any properly authorized paramount Federal agency requests
46 possession. In all investigations, inquiries and hearings the
47 commissioner or his authorized representative in charge thereof,
48 shall have the power to administer oaths and affirmations, certify
49 to official acts, issue subpoenas, compel the attendance and

1 testimony of witnesses and the production of papers, books, and
2 documents. If any person shall fail to comply with any subpoena
3 or order issued under authority of this chapter, the commissioner
4 or said authorized representative may ex parte invoke the aid of
5 [any County] the Superior Court of this State. The court may
6 thereupon order any such person to comply with the requirements
7 of the subpoena or order, or to give evidence upon the matter in
8 question.

9 (cf: P.L.1953, c.7, s.1)

10 ¹[184.] 187.¹ Section 3 of P.L.1952, c.199 (C.6:5-3) is amended
11 to read as follows:

12 3. (a) Any person, not being a resident of this State, who shall
13 operate, pilot or avigate any aircraft on or over the land or
14 waters or through the air space of this State, whether or not
15 such person shall be licensed to do so in accordance with the laws
16 of this State or of any other State or under the provisions of the
17 laws, rules or regulations of the United States Government or
18 otherwise; and

19 (b) Any person or persons, not being a resident or residents of
20 this State or any corporation or association, not incorporated
21 under the laws of this State and not duly authorized to transact
22 business in this State, who by his, their or its agent or servant,
23 shall cause to be operated, piloted or navigated on or over the
24 land or waters or through the air space of this State any aircraft,
25 which is not registered in this State, whether or not the operator,
26 owner or pilot shall be licensed to operate, pilot or avigate
27 aircraft on or over the land or waters or through the air space of
28 this State; shall by the operation of such aircraft or by causing
29 the same to be operated, piloted oravigated, over the land or
30 waters or through the air space of this State, make and constitute
31 the Secretary of State his, their or its agent for the acceptance
32 of process in any civil action issuing out of any [district court,
33 county court or other] court of civil jurisdiction, against any such
34 person or persons, corporation or association, arising out of or by
35 reason of any accident or collision occurring on or over the land
36 or waters or in the air space of this State in which such aircraft
37 so operated, piloted oravigated is involved. The operating,
38 piloting oravigating or causing to be operated, piloted or
39avigated of any such aircraft, on or over the land or waters or
40 through the air space of this State, shall be the signification of
41 the agreement of such nonresident person operating, piloting or
42avigating the same or of such person or persons or corporation or
43 association for whom such aircraft is operated, piloted or
44avigated, of his, their or its agreement that any process, against
45 him, them or it which is so served shall be of the same legal force
46 and validity as if served, upon him or them personally or upon it,
47 in accordance with law within this State.

48 (cf: P.L.1952, c.199, s.3)

49 ¹[185.] 188.¹ N.J.S.8A:10-6 is amended to read as follows:

1 8A:10-6. a. The executive director, the chairman, any member
2 of the New Jersey Cemetery Board or any person designated by
3 the cemetery board or the Commissioner of Banking may
4 administer oaths and affirmations and shall have power to issue
5 subpoenas, to compel the attendance of any person, or the
6 production of any books or papers necessary or incidental to any
7 hearing before the board. Such subpoena may be served and the
8 same witness fees paid as in cases in the [County or] Superior
9 Court, as allowed by law.

10 b. In the event any person who has been duly served with a
11 subpoena by the board fails or refuses to attend and testify and
12 answer proper questions or to produce books, records, documents,
13 papers, or other physical exhibits pursuant to the command of
14 said subpoena, the board is authorized to apply to the Superior
15 Court for an order compelling compliance with the subpoena or
16 order of the board. Failure to obey the subpoena or the order of
17 the court in reference thereto shall, in addition to any other
18 action that may properly be taken by the courts, carry a penalty
19 of \$100.00 to be collected by the board as provided in chapter 9
20 of this act.

21 (cf: P.L.1973, c.219, s.33)

22 ¹[186.] 189.¹ Section 1 of P.L.1974, c.152 (C.9:2-7.2) is
23 amended to read as follows:

24 1. When any husband and wife shall live in a state of separation
25 without being divorced and shall have any minor child or children
26 of the marriage, and when either spouse shall willfully conceal
27 the whereabouts of said child or children, the [juvenile and
28 domestic relations court] Superior Court, Chancery Division,
29 Family Part, upon application of the aggrieved parent, shall
30 conduct a preliminary hearing as to the custody of said child or
31 children and shall make such order relating thereto for the access
32 of either parent to such child at such times and under such
33 circumstances as it may deem proper.

34 (cf: P.L.1974, c.152, s.1)

35 ¹[187.] 190.¹ R.S.9:2-9 is amended to read as follows:

36 ~~9:2-9.~~ When the parents of any minor child or the parent or
37 other person having the actual care and custody of any minor
38 child are grossly immoral or unfit to be intrusted with the care
39 and education of such child, or shall neglect to provide the child
40 with proper protection, maintenance and education, or are of
41 such vicious, careless or dissolute habits as to endanger the
42 welfare of the child or make the child a public charge, or likely
43 to become a public charge; or when the parents of any minor
44 child are dead or cannot be found, and there is no other person,
45 legal guardian or agency exercising custody over such child; it
46 shall be lawful for any person interested in the welfare of such
47 child to institute an action in the Superior Court [or the Juvenile
48 and Domestic Relations Court] Chancery Division, Family Part,

1 in the county where such minor child is residing, for the purpose
2 of having the child brought before the court, and for the further
3 relief provided by this chapter. The court may proceed in the
4 action in a summary manner or otherwise.

5 (cf: P.L.1953, c.9, s.6)

6 ¹[188.] 191.1 R.S.9:2-10 is amended to read as follows:

7 ~~9:2-10. In an action brought pursuant to [section] R.S.9:2-9 [of~~
8 ~~this Title], the Superior Court, [or the Juvenile and Domestic~~
9 ~~Relations Court, as the case may be,] after an investigation shall~~
10 ~~have been made by the chief probation officer of the county in~~
11 ~~which the child may reside, concerning the reputation, character~~
12 ~~and ability of the plaintiff, or such other person as the court may~~
13 ~~direct, to properly care for such child, shall make an order or~~
14 ~~judgment committing the child to the care and custody of such~~
15 ~~person, who will accept the same, as the court shall for that~~
16 ~~purpose designate and appoint, until such child shall attain the~~
17 ~~age of eighteen years, or the further direction of the court;~~
18 ~~provided, however, that in proper cases such care and custody~~
19 ~~may be exercised by supervision of the child in his own home,~~
20 ~~unless the court shall otherwise order. Such order or judgment~~
21 ~~may require the giving of a bond by the person to whose care or~~
22 ~~custody the said child may be committed, with such security and~~
23 ~~on such conditions as the court shall deem proper.~~

24 (cf: P.L.1953, c.9, s.7)

25 ¹[189.] 192.1 Section 6 of P.L.1955, c. 232 (C.9:2-18) is
26 amended to read as follows:

27 6. An approved agency which is providing supervision of a child
28 may institute an action [in the County Court of the county in
29 which such approved agency has its principal office in New Jersey
30 or] in the Superior Court, seeking the termination of the rights of
31 the parents of such child and the transfer of custody of such child
32 to the agency. A prior surrender of custody as provided by
33 Article II of this act shall not be deemed a waiver of notice or
34 service of process in proceedings under Article III hereof. At
35 least five days prior to the hearing, the plaintiff shall file with
36 the court a written report as to all circumstances of the case.

37 (cf: P.L.1955, c.232, s.6)

38 ¹[190.] 193.1 Section 6 of P.L.1977, c. 367 (C.9:3-42) is
39 amended to read as follows:

40 6. An action for adoption shall be instituted in [either] the
41 Superior Court, Chancery Division, Family Part [or the County
42 Court of the county in which the prospective parent resides;
43 provided, however, that:

44 a. Whenever the child to be adopted has been received into the
45 home of the prospective parent from an approved agency, the
46 action may be instituted in the County Court of any county in
47 which such approved agency has an office; and provided further
48 that

49 b. Whenever a parent of the child to be adopted has been

1 granted a divorce from the other parent by the Superior Court,
2 the action shall be instituted in the Superior Court unless such
3 court previously has awarded custody of the child to an approved
4 agency or has consented to the institution of the action in a
5 County Court].

6 (cf: P.L.1977, c.367, s.6)

7 ¹[191.] 194. ¹ Section 15 of P.L.1977, c.367 (C.9:3-51) is
8 amended to read as follows:

9 15. [The clerk of each County Court shall file promptly with
10 the Superior Court a copy of each judgment of adoption entered
11 pursuant to this act.] The clerk of the Superior Court [shall
12 docket the copies of such judgments and] shall maintain an
13 alphabetical index of all judgments of adoption entered each year
14 pursuant to this act [in the County Courts and the Superior Court
15 of the State], all of which records shall be sealed and thereafter
16 shall be made accessible only by court order.

17 (cf: P.L.1977, c.367, s.15)

18 ¹[192.] 195. ¹ R.S.9:6-4 is amended to read as follows:

19 9:6-4. Complaints for violation of the provisions of this chapter
20 may be made to the Superior Court or any municipal court,
21 County Court or criminal judicial district court in any county, or
22 juvenile and domestic relations court in every county of this
23 State]. Whenever any person, who shall be charged with any such
24 offense upon oath before any court or by indictment, shall, in
25 writing signed by him and addressed to the county prosecutor of
26 the county wherein the offense was committed, waive indictment
27 and trial by jury, or trial by jury, as the case may be, and request
28 to be tried immediately before the [County Court or the juvenile
29 and domestic relations court of such county,] Superior Court
30 without a jury, the county prosecutor shall report such fact to
31 [either] such court [of such county], which, unless it shall deem
32 the public interest will be benefited by denying such request,
33 shall with all due and reasonable speed, proceed to try the person
34 so charged and determine and adjudge his guilt or innocence.

35 (cf: P.L.1953, c.9, s.15)

36 ¹[193.] 196. ¹ R.S.9:6-7 is amended to read as follows:

37 9:6-7. Any duly organized or incorporated humane society,
38 having for one of its objects the protection of children from
39 cruelty, may offer any agents or officers employed by such
40 society to the mayor or other executive officer having authority
41 to commission police officers of any municipality having a
42 regularly organized police department, for the purpose of being
43 commissioned to act as police officers through the limits of such
44 municipality for the purpose of arresting all the offenders against
45 this chapter or any of the provisions thereof, whereupon the
46 mayor in such city shall, if such persons are proper and discreet
47 persons, commission them to act as such police officers, with all
48 the rights and powers appertaining thereto; but no such
49 municipality shall be liable in any way for the salary or wages of

1 such officers, or for any expense whatever in relation thereto,
2 except for the detention of prisoners.

3 In any municipality not having a regularly organized police
4 department, such humane society may offer similarly qualified
5 persons to the [County] Assignment Judge of the Superior Court
6 [of] for the county, whereupon such court shall, if they be fit
7 ~~persons, commission such persons to act as constables, with~~
8 ~~power to arrest all offenders against this chapter or any~~
9 ~~provisions thereof; but no municipality or county shall be in~~
10 ~~anywise liable for the salary or wages of any such officer, or for~~
11 ~~any expense in relation thereto, except for the detention of~~
12 ~~prisoners.~~

13 All persons thus qualified under this section shall be deemed to
14 be constables and police officers, and the keepers of jails or
15 lockups or station houses in any of such counties are required to
16 receive all persons arrested by such policemen or constables.

17 (cf: P.L.1953, c.9, s.16)

18 ¹[194.] 197.¹ R.S.9:6-8 is amended to read as follows:

19 9:6-8. Whenever any person shall, before [a county district
20 court] the Superior Court, or municipal court, make oath that the
21 affiant believes that this chapter has been or is being violated in
22 any place or house, such court shall forthwith issue a warrant to a
23 constable or other authorized officer to enter such place or house
24 and investigate the same, and such person may arrest or cause to
25 be arrested all offenders and bring them before any court for a
26 hearing of the case; and all constables and policemen shall aid in
27 bringing all such offenders before such authorities for a hearing.

28 (cf: P.L.1953, c.9, s.17)

29 ¹[195.] 198.¹ Section 2 of P.L.1974, c.119 (C.9:6-8.22) is
30 amended to read as follows:

31 2. The [juvenile and domestic relations court] Superior Court,
32 Chancery Division, Family Part in each county shall have
33 jurisdiction over all noncriminal proceedings involving alleged
34 cases of child abuse or neglect, and shall be charged with the
35 immediate protection of said children. All noncriminal cases
36 ~~involving child abuse shall be commenced in or transferred to this~~
37 ~~court from other courts as they are made known to the other~~
38 courts. Commencement of cases of child abuse or neglect must
39 be the first order of priority in the [juvenile and domestic
40 relations court] Family Part.

41 (cf: P.L.1977, c.209, s.2)

42 ¹[196.] 199.¹ Section 3 of P.L.1974, c.119 (C.9:6-8.23) is
43 amended to read as follows:

44 3. a. Any minor who is the subject of a child abuse or neglect
45 proceeding under this act must be represented by a law guardian
46 to help protect his interests and to help him express his wishes to
47 the court. However, nothing in this act shall be construed to
48 preclude any other interested person or agency from appearing by
49 counsel.

1 b. The [juvenile and domestic relations court] Superior Court,
2 Chancery Division, Family Part, on its own motion, will make
3 appointments of law guardians.

4 (cf: P.L.1974 c.119, s.3)

5 ¹[197.] 200.¹ Section 4 of P.L.1974, c.119 (C.9:6-8.24) is
6 amended to read as follows:

7 ~~4. Jurisdiction. a. Notwithstanding any other law to the~~
8 ~~contrary, the [juvenile and domestic relations court] Superior~~
9 ~~Court, Chancery Division, Family Part has exclusive original~~
10 ~~jurisdiction over noncriminal proceedings under this act alleging~~
11 ~~the abuse or neglect of a child.~~

12 b. In determining the jurisdiction of the court under this act,
13 the age of the child at the time the proceedings are initiated is
14 controlling.

15 c. In determining the jurisdiction of the court under this act,
16 the child need not be currently in the care or custody of his
17 parent or guardian, as defined herein.

18 d. If the matter in regard to the parent or guardian is referred
19 to the county prosecutor by the [juvenile and domestic relations
20 court] Family Part or otherwise the [juvenile and domestic
21 relations court] Family Part may continue the proceeding under
22 this act in regard to the child after such referral. If the
23 proceeding in regard to the child is continued, the [juvenile and
24 domestic relations court] Family Part shall enter any preliminary
25 order necessary to protect the interests of the child pending a
26 final order from the criminal courts.

27 (cf: P.L.1977, c.209, s.3)

28 ¹[198.] 201.¹ Section 5 of P.L.1974, c.119 (C.9:6-8.25) is
29 amended to read as follows:

30 5. Transfer to and from the [domestic relations court] Superior
31 Court; a. Notice to the prosecutor. Immediately upon receipt of
32 a complaint, the [juvenile and domestic relations court] Superior
33 Court, Chancery Division, Family Part shall forward a copy of
34 such complaint to the county prosecutor, after which the
35 prosecutor shall take whatever action he deems necessary under
36 all of the circumstances.

37 b. Any criminal complaint charging facts amounting to abuse or
38 neglect under this act may be transferred by the county
39 prosecutor or the criminal court in which the complaint was
40 made, to the [juvenile and domestic relations court] Family Part,
41 in the county in which the former court is located. If any police
42 officer, county prosecutor or criminal court receives a complaint
43 which amounts to child abuse or neglect, the police officer,
44 county prosecutor or criminal court shall report to the division
45 pursuant to P.L.1971, c.437, section 3 (C.9:6-8.10). If any police
46 officer, county prosecutor or the criminal court refers a matter
47 with regard to the parent or guardian, or child, and there appears
48 to be no basis for action in the [juvenile and domestic relations
49 court] Family Part, the proceeding may be terminated. If the

1 [juvenile and domestic relations court] Family Part determines a
2 complaint should be filed, proceedings under this act shall be
3 commenced immediately.

4 c. Nothing in this act shall be interpreted to preclude the
5 county prosecutor from bringing criminal action against the
6 parent or guardian or any other person even though the child
7 involved is initially or ultimately the subject of proceedings in
8 the [juvenile and domestic relations court] Family Part.

9 (cf: P.L.1977, c.209, s.4)

10 ¹[199.] 202.¹ Section 8 of P.L.1974, c.119 (C.9:6-8.28) is
11 amended to read as follows:

12 8. Preliminary orders of court before preliminary hearing
13 held. a. The [juvenile and domestic relations court] Superior
14 Court, Chancery Division, Family Part may enter an order
15 directing the temporary removal of a child from the place where
16 he is residing before a preliminary hearing under this act, if (1)
17 the parent or other person legally responsible for the child's care
18 is absent or, though present, was asked and refused to consent to
19 the temporary removal of the child and was informed of an intent
20 to apply for any order under this section; and (2) the child appears
21 so to suffer from the abuse or neglect of his parent or guardian
22 that his immediate removal is necessary to avoid imminent
23 danger to the child's life or health; and (3) there is not enough
24 time to hold a preliminary hearing.

25 b. The order shall specify the facility to which the child is to
26 be brought.

27 c. The [juvenile and domestic relations court] Family Part may
28 enter an order authorizing a physician or hospital to provide
29 emergency medical or surgical procedures before a preliminary
30 hearing is held under this act if (1) such procedures are necessary
31 to safeguard the life or health of the child; and (2) there is not
32 enough time to hold a preliminary hearing under section 11
33 hereof.

34 d. Any person who originates a proceeding pursuant to section
35 14 of this act may apply for through the Division of Youth and
36 Family Services or the court on its own motion may issue, an
37 order of temporary removal. The division shall make every
38 reasonable effort to inform the parent or guardian of any such
39 application, confer with a person wishing to make such an
40 application and make such inquiries as will aid the court in
41 disposing of such application. Within 24 hours the Division of
42 Youth and Family Services shall report such application to the
43 central registry of the division.

44 e. Any person acting under the authority of this act may
45 request and shall receive appropriate assistance from local and
46 State law enforcement officials.

47 (cf: P.L.1977, c.209, s.7)

48 ¹[200.] 203.¹ Section 10 of P.L.1974, c.119 (C.9:6-8.30) is
49 amended to read as follows:

1 10. Action by the division upon emergency removal. a. The
2 division when informed that there has been an emergency
3 removal of a child from his home without court order shall make
4 every reasonable effort to communicate immediately with the
5 child's parent or guardian that such emergency removal has been
6 made and the location of the facility to which the child has been
7 taken, and advise the parent or guardian to appear in the
8 appropriate [juvenile and domestic relations court] Superior
9 Court, Chancery Division, Family Part on the next court day.
10 The division shall also advise the party making the removal to
11 appear. For the purposes of this section, "facility" means a
12 hospital, shelter or child care institution in which a child may be
13 placed for temporary care, but does not include a foster home.

14 b. The division shall cause a complaint to be filed under this
15 act immediately or on the first court day after such removal
16 takes place.

17 c. Whenever a child has been removed pursuant to section 7 or
18 9 of this act, the division shall arrange for immediate medical
19 examination of the child and shall have legal authority to consent
20 to such examination. If necessary to safeguard the child's health
21 or life, the division also is authorized to arrange for and consent
22 to medical care or treatment of the child. Consent by the
23 division pursuant to this subsection shall be deemed legal and
24 valid for all purposes with respect to any person, hospital, or
25 other health care facility examining or providing care or
26 treatment to a child in accordance with and in reliance upon
27 such consent. Medical reports resulting from such examination
28 or care or treatment shall be released to the division for the
29 purpose of aiding in the determination of whether the child has
30 been abused or neglected. Any person or health care facility
31 acting in good faith in the examination of or provision of care and
32 treatment to a child or in the release of medical records shall
33 have immunity from any liability, civil or criminal, that might
34 otherwise be incurred or imposed as a result of such act.

35 (cf: P.L.1983, c.290, s.1)

36 ¹[201.] 204.¹ Section 11 of P.L.1974, c.119 (C.9:6-8.31) is
37 amended to read as follows:

38 11. Preliminary orders after filing of complaint. a. In any case
39 where the child has been removed without court order, except
40 where action has been taken pursuant to P.L.1973, c.147
41 (C.9:6-8.16 et seq.) the [juvenile and domestic relations court]
42 Superior Court, Chancery Division, Family Part shall hold a
43 hearing on the next court day to determine whether the child's
44 interests require protection pending a final order of disposition.
45 In any other case under this act, any person who may originate a
46 proceeding may apply for, or the court, on its own motion, may
47 order a hearing at any time after the complaint is filed to
48 determine whether the child's interests require protection
49 pending a final order of disposition.

1 b. Upon such hearing, if the court finds that continued removal
2 is necessary to avoid an ongoing risk to the child's life or health,
3 it shall affirm the removal of the child to an appropriate place or
4 place him in the custody of a suitable person.

5 c. Upon such hearing the court may, for good cause shown,
6 issue a preliminary order of protection which may contain any of
7 the provisions authorized on the making of an order of protection
8 under section 35 hereof.

9 d. Upon such hearing, the court may, for good cause shown,
10 release the child to the custody of his parent or guardian from
11 whose custody or care the child was removed, pending a final
12 order of disposition, in accord with section 33 hereof.

13 e. Upon such hearing, the court may authorize a physician or
14 hospital to provide medical or surgical procedures if such
15 procedures are necessary to safeguard the child's life or health.

16 f. If the court grants or denies a preliminary order requested
17 pursuant to this section, it shall state the grounds for such
18 decision.

19 g. In all cases involving abuse or neglect the court shall order
20 an examination of the child by a physician appointed or
21 designated for the purpose by the division. As part of such
22 examination, the physician shall arrange to have color
23 photographs taken as soon as practical of any areas of trauma
24 visible on such child and may if indicated, arrange to have a
25 radiological examination performed on the child. The physician,
26 on the completion of such examination, shall forward the results
27 thereof together with the color photographs to the court ordering
28 such examination.

29 (cf: P.L.1977, c.209, s.10)

30 ¹[202.] 205.¹ Section 15 of P.L.1974, c.119 (C.9:6-8.35) is
31 amended to read as follows:

32 15. Preliminary procedure. The division may:

33 a. Confer with any person seeking to file a complaint, the
34 potential respondent, and other interested persons concerning the
35 advisability of filing a complaint under this act; and

36 b. Attempt to adjust suitable cases before a complaint is filed
37 over which the court apparently would have jurisdiction.

38 c. The division shall not prevent any person or agency who
39 wishes to file a complaint under this act from having access to
40 the court for that purpose.

41 d. Efforts at adjustment under this section may not extend for
42 a period of more than 30 days without an order of a judge of the
43 court, who may extend the period for an additional 30 days.

44 e. Such adjustment may include a preliminary conference held
45 by the division at its discretion upon written notice to the parent
46 or guardian and the potential complainant for the purpose of
47 attempting such adjustment, provided however that the division
48 shall not be authorized under this section to compel any person
49 to appear at any conference, produce any papers, or visit any

1 place.

2 f. The [juvenile and domestic relations court] Superior Court,
3 Chancery Division, Family Part and the division shall deal with
4 cases involving imminent physical harm or actual physical harm
5 on a priority basis.

6 (cf: P.L.1977, c.209, s.14)

7 ¹[203.] 206.¹ Section 20 of P.L.1977, c.119 (C.9:6-8.40) is
8 amended to read as follows:

9 20. Records involving abuse or neglect. When the division
10 receives a report or complaint that a child may be abused or
11 neglected; or when the division receives a request from the
12 [juvenile and domestic relations court] Superior Court, Chancery
13 Division, Family Part to investigate such allegations, the division
14 may request of any and all public or private institutions, or
15 agencies including law enforcement agencies, or any private
16 practitioners, their records past and present pertaining to that
17 child and other children under the same care, custody and
18 control. Records kept pursuant to [P.L.1973, c. 306 (C.2A:4-42
19 et seq.)] the "New Jersey Code of Juvenile Justice," P.L.1982,
20 c.77 (C.2A:4A-20 et seq.) may be obtained by the division, upon
21 issuance by a court of an order on good cause shown directing
22 these records to be released to the division for the purpose of
23 aiding in evaluation to determine if the child is abused or
24 neglected. In the release of the aforementioned records, the
25 source shall have immunity from any liability, civil or criminal.

26 (cf: P.L.1977, c.209, s.19)

27 ¹[204.] 207.¹ Section 50 of P.L.1974, c.119 (C.9:6-8.70) is
28 amended to read as follows:

29 50. Appealable orders. An appeal may be taken as of right
30 from any final order of disposition and from any other final order
31 made pursuant to this act. An appeal from a final order or
32 decision in a case involving child abuse may be taken as of right
33 to the Appellate Division of the Superior Court. Pending the
34 determination of such appeal, such order or decision shall be
35 stayed where the effect of such order or decision would be to
36 discharge the child, if the [juvenile and domestic relations court]
37 Superior Court, Chancery Division, Family Part or the court
38 before which such appeal is pending finds that such a stay is
39 necessary to avoid imminent risk to the child's life or health.

40 (cf: P.L.1977, c.209, s.31)

41 ¹[205.] 208.¹ R.S.9:11-1 is amended to read as follows:

42 9:11-1. [The judges of the County Court of a county of the first
43 class, except in counties of the first class having a population of
44 more than 800,000 inhabitants, whenever in their judgment it
45 shall be necessary or proper shall so certify to the board of
46 chosen freeholders and upon their approval of the need, the
47 judges may appoint 5 persons at least 1 of whom shall be a
48 woman, who, together with such judges and the judge of the
49 juvenile and domestic relations court, ex officio, shall constitute

1 a board to be known as the Board of Trustees of the Youth House
2 of the county of _____.

3 Such appointees shall be formally approved by the board of
4 chosen freeholders before they enter upon the discharge of their
5 duties. They shall hold office for 3 years and until their
6 successors are appointed. They shall receive no compensation.]

7 In counties of the first class [having a population of more than
8 800,000 inhabitants, in which there is now established a parental
9 school, under the provisions of the act to which this act is an
10 amendment, and in all other counties of the first class having a
11 population of more than 800,000 inhabitants], whenever in its
12 judgment it shall be necessary or proper, the ²[board of chosen
13 freeholders] governing body of the county² shall appoint 8
14 persons[, at least 1 of whom shall be a woman, who, together with
15 the judges of the juvenile and domestic relations court, ex
16 officio.] who shall constitute a board to be known as the Board of
17 Trustees of the Youth House of the county of _____. They shall
18 serve without compensation and shall hold office for a term of 4
19 years and until their successors are appointed, except that of the
20 8 members first appointed, 2 shall hold office for 4 years, 2 shall
21 hold office for 3 years, 2 shall hold office for 2 years, and 2 shall
22 hold office for 1 year. The holding of any other public office by
23 any member of said board of trustees shall not be held to be
24 incompatible with ²[his or her] the² office as member of such
25 board of trustees. A vacancy caused by death, resignation or
26 otherwise shall be filled by the ²[board of chosen freeholders]
27 governing body of the county² for the unexpired term.

28 (cf: P.L.1990, c.26, s.7)

29 ¹[206.] 209. ¹ R.S.9:11-3 is amended to read as follows:

30 9:11-3. The board of trustees organized under section 9:11-1 of
31 this Title may acquire lands by gift, purchase or condemnation
32 and erect buildings thereon suitable for the detention of persons,
33 male or female, under 18 years of age adjudged delinquents, or
34 convicted of violating a criminal statute, or detained to testify in
35 a pending criminal prosecution or under commitment for
36 appearance in the [juvenile and domestic relations court]
37 Superior Court, Chancery Division, Family Part pending final
38 hearing of any cause.

39 The board of trustees with the approval of the board of chosen
40 freeholders may select for a building site land owned by the
41 county and not already devoted to other purposes inconsistent
42 with the establishment of a youth house thereon. The board of
43 trustees may also appoint such architect or engineers or both as
44 in their judgment may be proper to prepare plans and
45 specifications and supervise the erection of buildings.

46 The board of trustees of any youth house organized under this
47 chapter and the board of chosen freeholders of the county
48 wherein said youth house is situate may enter into and perform an
49 agreement for the exchange of real estate owned respectively by

1 the said board of trustees and said county.

2 (cf: P.L.1958, c.73, s.1)

3 ¹[207.] ²210.¹ Section 25 of P.L.1953, c.9 (C.9:12A-1) is
4 amended to read as follows:

5 25. The ²[board of chosen freeholders] governing body² of any
6 county may establish, equip and maintain a home for the
7 temporary detention of children, separated entirely from any
8 place of confinement of adults, to be known as "The Children's
9 Shelter of ².....² County," which shall be conducted as an
10 agency for the purposes of caring for the children of the county
11 whose cases are pending before the [juvenile and domestic
12 relations court of] Superior Court, Chancery Division, Family
13 Part in the county or who are homeless or abandoned, abused,
14 neglected or cruelly treated, or who, being under 16 years of age,
15 are witnesses before such court or some other court.

16 The ²[board] governing body of the county² may appropriate
17 sufficient funds for the purchase of property and the building or
18 buildings and the furnishing of supplies and equipment therefor
19 from the annual appropriations, or if they consider the amount
20 too great to add to the annual appropriation, they may issue
21 bonds for such purpose.

22 The building may be built on property owned by the county or
23 the ²[board] governing body of the county² may acquire the same
24 by gift, purchase or condemnation.

25 The ²[board] governing body of the county² may appoint a
26 committee of 7 citizens of the county, [at least 2 of whom shall
27 be women,] who together with [the judge of the juvenile and
28 domestic relations court of the county and] the director of the
29 ²[board of chosen freeholders] governing body of the county² as
30 ²[an]² ex-officio ²[member]² shall constitute the board of
31 trustees of the children's shelter. The board of trustees shall
32 make the rules and regulations for the management of the
33 children's shelter and the groupings of the children therein.

34 In any county in which a children's shelter is or shall be
35 established and operated pursuant to this section, solely for
36 children who are homeless or abandoned, abused, neglected or
37 cruelly treated, the ²[board of chosen freeholders] governing body
38 of the county² may, by resolution, determine to operate and
39 manage such children's shelter instead of appointing a board of
40 trustees for such purpose, in which case the ²[board of chosen
41 freeholders] governing body of the county² shall have and may
42 exercise all the powers of a board of trustees as provided in this
43 section.

44 The shelter shall be in ²the² charge of a superintendent, and
45 the board of managers, or the ²[board of chosen freeholders]
46 governing body of the county², as the case may be, shall have
47 authority to appoint the superintendent, and other employees in
48 like manner as other county employees are appointed; the
49 ²[board of chosen freeholders] governing body of the county²

1 shall provide the funds for carrying on the shelter and for the
2 betterments, improvements and replacements that may be
3 required, in the annual appropriations, but money for new
4 buildings and the equipment thereof and other permanent
5 improvements may be raised by bond issue.

6 (cf: P.L.1990, c.26, s.8)

7 ¹[208.] 211.¹ Section 9 of P.L.1983, c.17 (C.9:17-46) is
8 amended to read as follows:

9 9. a. The [juvenile and domestic relations court, and where an
10 action is joined with another action, the] Superior Court[,] shall
11 have jurisdiction over an action brought under this act. The
12 action shall be joined with an action for divorce, annulment,
13 separate maintenance or support.

14 b. A person who has sexual intercourse in this State thereby
15 submits to the jurisdiction of the courts of this State as to an
16 action brought under this act with respect to a child who may
17 have been conceived by that act of intercourse. In addition to
18 any other method provided by law, personal jurisdiction may be
19 acquired by service in accordance with the rules of the court.

20 c. The action may be brought in the county in which the child
21 or the alleged father resides or is found or, if the father is
22 deceased, in which proceedings for probate of his estate have
23 been or could be commenced.

24 (cf: P.L.1983, c.17, s.9)

25 ¹[209.] 212.¹ Section 11 of P.L.1983, c. 17 (C.9:17-48) is
26 amended to read as follows:

27 11. a. As soon as practicable after an action to declare the
28 existence or nonexistence of the father and child relationship has
29 been brought, a consent conference shall be held by the [juvenile
30 and domestic relations court] Superior Court, Chancery Division,
31 Family Part intake service, the county probation department or
32 the county welfare agency. A court appearance shall be
33 scheduled in the event that a consent agreement cannot be
34 reached.

35 b. On the basis of the information produced at the conference,
36 an appropriate recommendation for settlement shall be made to
37 the parties, which may include any of the following:

- 38 (1) That the action be dismissed with or without prejudice; or
39 (2) That the alleged father voluntarily acknowledge his
40 paternity of the child.

41 c. If the parties accept a recommendation made in accordance
42 with subsection b., which has been approved by the court,
43 judgment shall be entered accordingly.

44 d. If a party refuses to accept a recommendation made under
45 subsection b., and blood tests or genetic tests have not been
46 taken, the court may require the parties to submit to blood tests
47 or genetic tests. Thereafter the [juvenile and domestic relations
48 court] Family Part intake service, with the approval of the court,
49 shall make an appropriate final recommendation. If a party

1 refuses to accept the final recommendation, the action shall be
2 set for trial.

3 e. The guardian ad litem may accept or refuse to accept a
4 recommendation under this section.

5 f. The consent conference may be terminated and the action
6 set for trial if the court finds it unlikely that all parties would
7 accept a recommendation that might be made under subsection
8 b. or d.

9 g. No evidence, testimony or other disclosure from the consent
10 conference shall be admitted as evidence in a civil action except
11 by consent of the parties. However, blood tests or genetic tests
12 ordered pursuant to subsection d. may be admitted as evidence.

13 (cf: P.L.1983, c.17, s.11)

14 ¹[210.] 213.¹ Section 1 of P.L.1947, c.180 (C.9:21-1) is
15 amended to read as follows:

16 1. If on the determination of a criminal or juvenile delinquency
17 case before [a court of general criminal jurisdiction or] the
18 ~~juvenile and domestic relations court.] Superior Court~~ it shall
19 appear that the guilt of the defendant or delinquency of the child
20 is attributable in whole or in part to the existence of deleterious,
21 degrading or deteriorating conditions, practices or influences
22 within the municipality wherein the convicted defendant or
23 delinquent child resides, the court shall send a report as to such
24 conditions, practices, or influences to the governing body of the
25 municipality in which the convicted defendant or delinquent child
26 resides.

27 (cf: P.L.1953, c.9, s.59)

28 ¹[211.] 214.¹ Section 8 of P.L.1947, c.179 (C.9:22-8) is
29 amended to read as follows:

30 8. Any municipal youth guidance council may, by resolution,
31 create a special subcommittee to be known as the adjustment
32 committee consisting of persons qualified by experience and
33 training to assist in and to co-ordinate the efforts of police,
34 schools, and other agencies to provide guidance and counsel to
35 children with incipient behavior problems and to co-operate with
36 the [juvenile and domestic relations court] Superior Court,
37 Chancery Division, Family Part having jurisdiction when cases
38 arise in which official adjudication of delinquency seems
39 indicated.

40 When an adjustment committee shall have been appointed, the
41 municipal youth guidance council shall draft a plan of operation
42 which shall be registered with the State agency, referred to in
43 paragraph six of this act and with the [juvenile and domestic
44 relations court] Family Part having jurisdiction. This plan shall
45 outline the procedure for the referral of cases to the committee
46 by police, schools, other agencies concerned with youth problems,
47 and by other interested persons. The adjustment committee of
48 each municipal youth guidance commission shall maintain
49 summary records of each child brought to its attention. The

1 summary records shall include data concerning the circumstances
 2 surrounding each referral of a child to the committee,
 3 concerning his family, school, church, and neighborhood
 4 relationships, and concerning the methods used by the committee
 5 to improve the adjustment of the child. These records shall be
 6 confidential with the exception that they may be reviewed at any
 7 time by the judge of the [juvenile and domestic relations court]
 8 Family Part having jurisdiction, to make sure that no child
 9 properly referable to such court is denied access to the court.
 10 Each municipal youth guidance council may also be called upon to
 11 provide reports of the operations of its adjustment committee by
 12 the municipal governing body, the [juvenile and domestic
 13 relations court] Family Part, or by the State agency.

14 (cf: P.L.1947, c.179, s.8)

15 ¹[212.] 215.¹ Section 9 of P.L.1947, c.179 (C.9:22-9) is
 16 amended to read as follows:

17 9. Any municipal youth guidance council having an adjustment
 18 ~~committee may petition the [juvenile and domestic relations~~
 19 ~~court] Superior Court, Chancery Division, Family Part, in its~~
 20 discretion, to either:

21 A. Establish a schedule for a holding of juvenile hearings in a
 22 suitable location chosen by the adjustment committee within the
 23 limits of the petitioning municipality; or

24 B. Appoint a referee to hear and recommend disposition of any
 25 cases specifically referred to the referee by the [juvenile and
 26 domestic relations court] Family Part of the county and any cases
 27 coming within the provisions of [subdivisions d, e, f, i, j, k, and l
 28 of section 2A:4-14 of the New Jersey Statutes] "New Jersey
 29 Code of Juvenile Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.)
 30 arising within the limits of the petitioning municipality. It shall
 31 be the duty of the petitioning municipality to see that adequate
 32 diagnostic services shall be made available to such children.

33 Any case requiring the detention of a child shall be referred to
 34 the [juvenile and domestic relations court] Family Part for
 35 hearing.

36 Upon receipt of a petition to appoint a referee the [juvenile
 37 and domestic relations court] Family Part shall proceed to
 38 appoint a member of the adjustment committee, or some other
 39 suitable person, as referee, in accordance with section 2A:4-12 of
 40 the New Jersey Statutes. Nothing in this provision shall limit the
 41 present discretionary power of the [juvenile and domestic
 42 relations court] Family Part to appoint referees on their own
 43 initiative or to prevent such a court from hearing cases scheduled
 44 to be heard in the petitioning municipality in place of the referee
 45 so appointed by it.

46 (cf: P.L.1953, c.9, s.61)

47 ¹[213.] 216.¹ R.S. 10:1-7 is amended to read as follows:

48 10:1-7. The aggrieved party or parties in any action authorized
 49 by [section] R.S.10:1-6 [of this Title] may institute said action in

1 the name of the State of New Jersey in [any county district
2 court or County Court] the Superior Court. If judgment is
3 awarded in favor of the plaintiff in such action, the aggrieved
4 party shall be paid out of the judgment so recovered, the costs
5 incurred in prosecuting such action, according to a bill of costs
6 to be taxed as hereinafter provided, and also an attorney's fee of
7 not less than twenty dollars (\$20.00) nor more than one hundred
8 dollars (\$100.00) to be determined and fixed as hereinafter
9 provided.

10 The bill of costs shall be taxed by the clerk of the court as in
11 other civil actions within the jurisdiction of the court. The
12 amount of the attorney's fee shall be determined and fixed by an
13 order of the court.

14 (cf: P.L.1953, c.10, s.2)

15 ¹[214.] 217.¹ Section 12 of P.L.1975, c.231 (C.10:4-17) is
16 amended to read as follows:

17 12. Any person who knowingly violates any of the foregoing
18 sections of this act shall be fined \$100.00 for the first offense
19 and no less than \$100.00 nor more than \$500.00 for any
20 subsequent offense, recoverable by the State by a summary
21 proceeding under the "Penalty Enforcement Law"
22 (N.J.S.2A:58-1 et seq.). The [county district court of the county
23 in which the violation occurred] Superior Court shall have
24 jurisdiction to enforce said penalty upon complaint of the
25 Attorney General or the county prosecutor, but the Attorney
26 General or county prosecutor may refer the matter to the Public
27 Advocate. Whenever a member of a public body believes that a
28 meeting of such body is being held in violation of the provisions
29 of this act, he shall immediately state this at the meeting
30 together with specific reasons for his belief which shall be
31 recorded in the minutes of that meeting. Whenever such a
32 member's objections to the holding of such meeting are overruled
33 by the majority of those present, such a member may continue to
34 participate at such meeting without penalty provided he has
35 complied with the duties imposed upon him by this section.

36 (cf: P.L.1975, c.231, s.12)

37 ¹[215.] 218.¹ R.S.12:4-17 is amended to read as follows:

38 ~~12:4-17: [Every County] The Superior Court~~, county district
39 court] and every municipal court shall have jurisdiction to hear
40 and determine actions for the recovery of penalties under
41 [section] R.S.12:4-16 [of this Title]. All such penalties shall be
42 enforced and collected under "the penalty enforcement law"
43 (N.J.S.2A:58-1 et seq.), and the process shall be a warrant. A
44 commitment for failure to pay a penalty shall be to the county
45 jail for a period of not more than twenty days. All penalties
46 recovered under this section shall be paid to the county treasurer
47 for the use of the county.

48 (cf: P.L.1953, c.12, s.8)

49 ¹[216.] 219.¹ Section 31 of P.L.1954, c. 236 (C.12:7-34.31) is

1 amended to read as follows:

2 31. [Every County] The Superior Court[, county district court,
3 county criminal judicial court,] and every municipal court shall
4 have jurisdiction to enforce the provisions of this act and every
5 judge [and magistrate] of said courts shall have jurisdiction to
6 receive complaints, order arrests, issue summonses and warrants,
7 admit to bail, and take any action required of a judge [or
8 magistrate] in the enforcement of the provisions of this act
9 within their respective territorial jurisdictions.

10 (cf: P.L.1954, c.236, s.31)

11 ¹[217:] 220.¹ Section 2 of P.L.1957, c.111 (C.12:7B-2) is
12 amended to read as follows:

13 2. Any person who violates any provision of this act shall be
14 subject to a fine not exceeding \$100.00, which shall be collected
15 in the manner provided in the Penalty Enforcement Law
16 [N.J.S.2A:58-1 et seq.]. [Every County] The Superior Court[,
17 county district court] and every municipal court shall have
18 jurisdiction to enforce the provisions of this act.

19 (cf: P.L.1957, c.111, s.2)

20 ¹[218.] 221.¹ N.J.S.12A:6-106 is amended to read as follows:

21 12A:5-106. In addition to the requirements of the 2 preceding
22 sections:

23 (1) Upon every bulk transfer subject to this chapter for which
24 new consideration becomes payable except those made by sale at
25 auction it is the duty of the transferee to assure that such
26 consideration is applied so far as necessary to pay those debts of
27 the transferor which are either shown on the list furnished by the
28 transfer (12A:6-104) or filed in writing in the place stated in the
29 notice (12A:6-107) within 30 days after the mailing of such
30 notice. This duty of the transferee runs to all the holders of such
31 debts, and may be enforced by any of them for the benefit of all.

32 (2) If any of said debts are in dispute the necessary sum may be
33 withheld from distribution until the dispute is settled or
34 adjudicated.

35 (3) If the consideration payable is not enough to pay all of the
36 said debts in full distribution shall be made pro rata.

37 (4) The transferee may within 10 days after he takes possession
38 of the goods pay the consideration into the [County] Superior
39 Court in the county where the transferor had its principal place
40 of business in this State and thereafter may discharge his duty
41 under this section by giving notice by registered or certified mail
42 to all the persons to whom the duty runs that the consideration
43 has been paid into that court and that they should file their
44 claims there. On motion of any interested party, the court may
45 order the distribution of the consideration to the persons entitled
46 to it.

47 (cf: P.L.1964, c.166, s.9)

48 ¹[219.] 222.¹ Section 10 of P.L.1971, c. 176 (C.13:1F-10) is
49 amended to read as follows:

1 10. If any person violates any of the provisions of this act or
2 any rule, regulation or order promulgated pursuant to the
3 provisions of this act, the department may institute a civil action
4 in a court of competent jurisdiction for injunctive relief to
5 prohibit and prevent such violation or violations and the said
6 court may proceed in the action in a summary manner.

7 Any person who violates the provisions of this act or any rule,
8 regulation or order promulgated pursuant to this act shall be
9 liable to a penalty of not more than \$3,000.00 for each offense,
10 to be collected in a civil action by a summary proceeding, under
11 the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.) or in any
12 case before a court of competent jurisdiction wherein injunctive
13 relief has been requested. The Superior Court[, County Court and
14 county district court] shall have jurisdiction to enforce said
15 Penalty Enforcement Law. If the violation is of a continuing
16 nature, each day during which it continues shall constitute an
17 additional, separate and distinct offense.

18 The department is hereby authorized and empowered to
19 compromise and settle any claim for a penalty under this section
20 in such amount in the discretion of the department as may appear
21 appropriate and equitable under all of the circumstances.

22 (cf: P.L.1971, c.176, s.10)

23 ¹[220.] 223.1 Section 14 of P.L.1971, c.418 (C.13:1G-14) is
24 amended to read as follows:

25 14. If any person violates any of the provisions of this act or
26 any rule, regulation or order promulgated pursuant to the
27 provisions of this act, the department may institute an action in a
28 court of competent jurisdiction for injunctive relief to prohibit
29 and prevent such violation or violations and the said court may
30 proceed in the action in a summary manner.

31 Any person who violates the provisions of this act or any rule,
32 regulation or order promulgated pursuant to this act shall be
33 liable to a penalty of not more than \$3,000.00 for each offense,
34 to be collected in a summary proceeding under the Penalty
35 Enforcement Law (N.J.S.2A:58-1 et seq.), and in any case before
36 a court of competent jurisdiction wherein injunctive relief has
37 been requested, except as provided in section 9 of this act. The
38 Superior Court[, County Court and county district court] shall
39 have jurisdiction to enforce said Penalty Enforcement Law. If
40 the violation is of a continuing nature, each day during which it
41 continues shall constitute an additional, separate and distinct
42 offense. The department is hereby authorized and empowered to
43 compromise and settle any claim for a penalty under this section
44 in such amount in the discretion of the department as may appear
45 appropriate and equitable under all of the circumstances,
46 including a rebate of any such penalty paid to the extent of 75%
47 thereof where such person satisfies the department within 1 year
48 or such other period as the department may deem reasonable
49 that such violation has been eliminated or removed or that such

1 order or injunction has been met or satisfied as the case may be.
2 (cf: P.L.1971, c. 418, s.14)

3 ¹[221.] 224.¹ Section 5 of P.L.1973, c.39 (C.13:11-5) is
4 amended to read as follows:

5 5. If any person violates any of the provisions of this act or any
6 rule, regulation or order promulgated pursuant to the provisions
7 of this act, the department may institute an action in a court of
8 competent jurisdiction for injunctive relief to prohibit and
9 prevent such violation or violations and the said court may
10 proceed in the action in a summary manner.

11 Any person who violates any of the provisions of this act or any
12 rule, regulation or order promulgated pursuant to this act shall be
13 liable to a penalty of not more than \$3,000.00 for each offense to
14 be collected in a summary proceeding under the Penalty
15 Enforcement Law (N.J.S.2A:58-1 et seq.), or in any case before a
16 court of competent jurisdiction wherein injunctive relief has
17 been requested. The Superior Court[, County Court and county
18 district court] shall have jurisdiction to enforce said Penalty
19 Enforcement Law. If the violation is of a continuing nature, each
20 day during which it continues shall constitute an additional,
21 separate and distinct offense. The department is hereby
22 authorized and empowered to compromise and settle any claim
23 for a penalty under this section in such amount in the discretion
24 of the department as may appear appropriate and equitable under
25 all of the circumstances.

26 (cf: P.L.1973, c.39, s.5)

27 ¹[222.] 225.¹ Section 23 of P.L.1983, c. 324 (C.13:1L-23) is
28 amended to read as follows:

29 23. If any person violates any of the provisions of this
30 amendatory and supplementary act or any rule, regulation or
31 order promulgated pursuant thereto, the department may
32 institute a civil action in a court of competent jurisdiction for
33 injunctive relief to prohibit and prevent the violation and the
34 court may proceed in a summary manner. Any person who
35 violates any of the provisions of this amendatory and
36 supplementary act or any rule, regulation or order promulgated
37 pursuant thereto shall be liable to a penalty of not more than
38 \$1,000.00 for each offense, to be collected in a civil action by a
39 summary proceeding under "the penalty enforcement law"
40 (N.J.S.2A:58-1 et seq.) or in any case before a court of
41 competent jurisdiction wherein injunctive relief has been
42 requested. The Superior Courts [,county district courts] and
43 municipal courts shall have jurisdiction to hear and determine
44 violations of the provisions of this amendatory and supplementary
45 act. If the violation is of a continuing nature, each day during
46 which it continues shall constitute an additional, separate and
47 distinct offense. If the damage resulting from any violation of
48 this amendatory and supplementary act or from any violation of
49 any rule, regulation or order promulgated pursuant thereto

1 exceeds ~~\$1,000.00~~, the person causing the damage shall be liable
2 to a penalty equal to the value of the damage so caused.

3 (cf: P.L.1983, c.324, s.23)

4 ¹[223.] 226.¹ Section 3 of ~~P.L.1982, c.167 (C.13:8-66)~~ is
5 amended to read as follows:

6 3. a. Any person who abuses, mutilates, injures, removes or
7 destroys any animal inhabiting a wildlife sanctuary shall be liable
8 to a penalty of not less than \$100.00 and not more than
9 \$5,000.00, to be collected in a civil action instituted by the
10 Department of Environmental Protection by a summary
11 proceeding under "the penalty enforcement law," N.J.S.2A:58-1
12 et seq. The Superior Court[, county district court] and municipal
13 [court] courts shall have jurisdiction to enforce "the penalty
14 enforcement law." If the prohibited activity is of a continuing
15 nature, each day during which it continues constitutes an
16 ~~additional, separate and distinct offense.~~

17 b. Nothing in this section shall be construed to interfere with
18 any action taken by the Department of Environmental Protection
19 to protect the public health or promote animal welfare.

20 (cf: P.L.1982, c.167, s.3)

21 ¹[224.] 227.¹ Section 10 of P.L.1981, c. 369 (C.13:9-44.10) is
22 amended to read as follows:

23 10. If any person violates any of the provisions of this act or
24 any rule, regulation or order promulgated pursuant to provisions
25 of this act, the department may:

26 (a) Institute a civil action in a court of competent jurisdiction
27 for injunctive relief to prohibit and prevent such violation and the
28 court may proceed in the action in a summary manner. Any
29 person who violates the provisions of this act or any rule,
30 regulation or order promulgated pursuant to this act shall be
31 liable to a penalty of not more than \$5,000.00 for each offense,
32 to be collected in a civil action by a summary proceeding under
33 "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) or in any
34 case before a court of competent jurisdiction wherein injunctive
35 relief has been requested. The Superior Court[,] and municipal
36 [court] courts [and county district court] shall have jurisdiction to
37 enforce "the penalty enforcement law." The Attorney General
38 or the prosecuting attorney of the municipality or county in
39 which the offense was committed may prosecute the case. If the
40 violation is of a continuing nature, each day during which it
41 continues shall constitute an additional, separate and distinct
42 offense. The department is authorized to settle any claim for a
43 penalty under this section in such amount in the discretion of the
44 department as may appear appropriate and equitable under all of
45 the circumstances;

46 (b) Petition the Attorney General to bring a criminal action
47 against any person who knowingly violates any of the provisions
48 of this act or any rule, regulation or order promulgated pursuant
49 to the provisions of this act and thereby causes a wildfire. Such

1 person shall, upon conviction, be guilty of a crime of the fourth
2 degree and notwithstanding the provisions of N.J.S.2C:43-3 shall
3 be subject to a fine of not more than \$100,000.00 for each
4 offense; or

5 (c) Levy a civil administrative remedy of not more than
6 \$5,000.00 for each violation and additional penalties of not more
7 than \$500.00 for each day during which such violation continues
8 after receipt of an order from the department. No penalty shall
9 be levied pursuant to this section until the person has been
10 notified by certified mail or personal service. The notice shall
11 include a reference to the section of the statute violated; a
12 concise statement of the facts alleged to constitute a violation; a
13 statement of the person's right to a hearing. The person shall
14 have 20 days from receipt of the notice within which to deliver to
15 the commissioner a written request for a hearing. After the
16 hearing and upon finding that a violation has occurred, the
17 commissioner may issue a final order after assessing the amount
18 of the fine specified in the notice. If no hearing is requested,
19 then the notice shall become a final order after the expiration of
20 the 20 day period. Payment is due when the final order is issued
21 or the notice becomes a final order.

22 (cf: P.L.1981, c.369, s.10)

23 ¹[225.] 228.1 N.J.S.14A:5-20 is amended to read as follows:

24 14A:5-20. (1) One or more shareholders of a corporation may
25 confer upon a trustee or trustees the right to vote or otherwise
26 represent his or their shares, for a period not to exceed 21 years,
27 by entering into a written voting trust agreement specifying the
28 terms and conditions of the voting trust, by filing an executed
29 counterpart of the agreement at the registered office of the
30 corporation and by depositing his or their shares of an original
31 issue with, or by transferring his or their shares to, such trustee
32 or trustees for the purposes of the agreement. After the filing of
33 the agreement, certificates for shares shall be issued to the
34 trustee or trustees to represent any shares of an original issue so
35 deposited with him or them, and any certificates for shares so
36 transferred shall be surrendered and cancelled and new
37 certificates therefor issued to such trustee or trustees stating
38 that they are issued under such agreement, and in the entry of
39 such ownership in the records of the corporation that fact shall
40 also be noted, and such trustee or trustees may vote the shares so
41 transferred during the term of such agreement. The copy of the
42 voting trust agreement so filed shall be subject to inspection at
43 any reasonable time by any shareholder of the corporation or by
44 any holder of a beneficial interest in the voting trust, in person or
45 by agent or attorney. Voting trust certificates shall be issued to
46 evidence beneficial interests in the voting trust.

47 (2) A trustee who votes shares subject to a voting trust shall
48 incur no responsibility as shareholder, trustee, or otherwise,
49 except for his own dereliction of duty.

1 (3) Where two or more persons are designated as voting
2 trustees, and the right and method of voting any shares standing
3 in their names at any meeting of the corporation are not fixed by
4 the agreement appointing the trustees, the right to vote said
5 shares and the manner of voting the same at any such meeting
6 shall be determined by a majority of the trustees. If the trustees
7 are equally divided as to how the shares shall be voted, the
8 Superior Court [or County Court having jurisdiction] may, in an
9 action brought by any of such trustees, appoint an additional
10 person to act with such trustees in such matter, and the right to
11 vote said shares and the manner of voting the same at any such
12 meeting shall be determined by a majority of the trustees and
13 such additional person. The court may proceed in the action in a
14 summary manner or otherwise.

15 (4) ~~At any time within 2 years prior to the time of expiration of~~
16 ~~any such voting trust agreement as originally fixed or as extended~~
17 ~~as herein provided, one or more beneficiaries of the voting trust~~
18 ~~may, by agreement in writing and with the written consent of~~
19 ~~such voting trustees, extend the duration of such voting trust~~
20 ~~agreement with regard to the shares subject to their beneficial~~
21 ~~interest for an additional period not exceeding 21 years. The~~
22 ~~voting trustees shall, prior to the time of expiration of any such~~
23 ~~voting trust agreement, as originally fixed or as previously~~
24 ~~extended, as the case may be, file in the registered office of the~~
25 ~~corporation an executed counterpart of such extension agreement~~
26 ~~and of their consent thereto, and thereupon the duration of such~~
27 ~~voting trust agreement shall be extended for the period fixed in~~
28 ~~such extension agreement; but no such extension agreement shall~~
29 ~~affect the rights or obligations of persons not parties thereto.~~

30 (5) The validity of a voting trust or of an extension thereof,
31 otherwise lawful, shall not be affected during a period of 21 years
32 from the date of its commencement by the fact that by its terms
33 it will or may last beyond such 21-year period; but it shall
34 become inoperative at the end of such 21-year period.

35 (cf: N.J.S.14A:5-20)

36 ¹[226.] 229.¹ R.S.15:5-6 is amended to read as follows:

37 15:5-6. If the lands of a meadow company taking advantage of
38 sections 15:5-3 to 15:5-7 abut on the lands of another meadow
39 company, and it shall be necessary to erect a cross bank to
40 protect the adjoining meadow company from the overflow or the
41 fill, the managers of the meadow company so taking advantage of
42 said sections 15:5-3 to 15:5-7, or a majority of them, may apply
43 to the [County] Superior Court [of the county in which the lands
44 are located] for the appointment of three judicious and
45 disinterested [men,] persons well acquainted with banked
46 meadows, as commissioners. The commissioners shall be
47 appointed by the court after the giving of such notice of the
48 application as the court prescribes, and when appointed, after
49 giving such notice of the time and place of meeting as the court

1 directs, shall view the premises, hear the parties in interest, may
2 adjourn from time to time, and shall lay out the correct bank
3 required to protect the adjoining meadows and cause the same to
4 be constructed, the cost thereof to be paid by each meadow
5 company in accordance with the assessments made by the
6 commissioners. If the adjoining meadow company refuses to pay
7 its proportion of the assessment, the company taking advantage
8 of said sections 15:5-3 to 15:5-7 shall, in the first instance, pay
9 the cost thereof, and the amount assessed against the adjoining
10 company by the commissioners shall be returned in the report of
11 the commissioners to the [County] Superior Court. The collection
12 of the same by the managers of the company so taking advantage
13 of said sections 15:5-3 to 15:5-7 may be enforced by a civil
14 action in any competent court or by a proceeding in lieu of
15 prerogative writ. The commissioners shall receive such
16 compensation as said court may order, to be paid by the
17 plaintiffs.

18 (cf: P.L.1953, c.15, s.4)

19 ¹[227.] 230.¹ R.S.15:8-4 is amended to read as follows:

20 15:8-4. Any duly organized volunteer fire company may provide
21 for the appointment of certain of its members to perform certain
22 police duties at fires and fire drills, for a term of office not
23 exceeding 5 years from the date of the appointment. Such
24 members shall, before entering upon their duties, qualify by
25 taking and subscribing an oath that they will justly, impartially
26 and faithfully discharge their duties according to the best of their
27 ability and understanding. Said oath shall be administered by the
28 municipal clerk and subscribed to in duplicate. The original copy
29 of said oath shall be filed with the municipal clerk and the copy
30 thereof filed with the secretary of the fire company making such
31 appointment.

32 After appointment a member shall be eligible as a fire police
33 and shall have full power and authority to act as such anywhere in
34 the county in which he is appointed or in any other county in
35 which he is called upon to act.

36 It shall be the duty of a member of the fire police to perform
37 his duties under the supervision of the fire officer in charge of
38 the fire or fire drill.

39 The duties of said fire police subject to the supervision
40 aforesaid shall be to:

41 (1) Protect property and contents.

42 (2) Establish and maintain fire lines.

43 (3) Perform such traffic duties as necessary, from the fire
44 station to and at the vicinity of the fire, fire drill or other
45 emergency call, until the arrival of a duly authorized police
46 officer.

47 (4) In the absence of investigating authorities, fire police shall
48 investigate all causes of fires and preserve all evidence
49 pertaining to questionable fire and turn evidence over to proper

1 investigating authorities.

2 (5) Wear the authorized fire police badge on the left breast of
3 the outermost garment while on duty.

4 Provided, however, nothing herein contained shall give the fire
5 police or any of them the right to supersede a duly authorized
6 police officer.

7 If any person shall unreasonably refuse to obey the orders of
8 the fire police such fire police may arrest him and keep him
9 under arrest until the fire is extinguished or the drill completed.
10 If the offender is found guilty by a municipal court or [county
11 district court] Superior Court, he shall be sentenced to pay a fine
12 not exceeding \$200.00 and costs.

13 (cf: P.L.1979, c.53, s.1)

14 ¹[228.] 231.¹ Section 1 of P.L.1952, c.330 (C.17:51-1) is
15 amended to read as follows:

16 1. (a) Any of the following acts in this State, by an insurer not
17 authorized to transact business in this State: (1) the issuance or
18 delivery of contracts of insurance to residents of this State or to
19 corporations authorized to do business therein, (2) the
20 solicitation of applications for such contracts, (3) the collection
21 of premiums, membership fees, assessments or other
22 considerations for such contracts, or (4) any other transaction of
23 business in relation to such contracts of insurance, is equivalent
24 to and shall constitute an appointment by such insurer of the
25 Commissioner of [Banking and] Insurance and his successor or
26 successors in office, to be its true and lawful attorney, upon
27 whom may be served all lawful process and a complaint in any
28 action or proceeding instituted by or on behalf of an insured or
29 beneficiary arising out of any such contracts of insurance, and
30 any such act shall be signification of its agreement that such
31 service of process and a complaint is of the same legal force and
32 validity as personal service of the same in this State upon such
33 insurer.

34 (b) Such service of process and a complaint upon the
35 commissioner shall be made by leaving two copies thereof, with
36 the fee prescribed by law, in the hands of the commissioner or
37 someone designated by him in his office, or [in the following
38 actions, by serving the same, as follows: (1) If the action is
39 commenced in the County Court of any county other than Mercer
40 county, then the sheriff or other authorized person, or (2) if the
41 action is commenced in the county district court of any county
42 other than Mercer county, then] the clerk of the court may serve
43 the commissioner by mailing such papers to him by registered
44 mail, with the said fee. The commissioner shall forthwith mail by
45 registered mail one of the copies of such process and complaint
46 to the defendant at its last-known principal place of business,
47 and shall keep a record of all papers so served upon him. The
48 commissioner, upon giving notice to the defendant of the service
49 of process as required by this act, shall file with the clerk of the

1 court his certificate of the notice given. Such service of process
2 and a complaint is sufficient, provided notice of such service and
3 a copy of the papers are sent within ten days thereafter by
4 registered mail by plaintiff or plaintiff's attorney to the
5 defendant at its last-known principal place of business, and the
6 defendant's receipt, or receipt issued by the post office with
7 which the letter is registered, showing the name of the sender of
8 the letter and the name and address of the person to whom the
9 letter is addressed, and the affidavit of the plaintiff or plaintiff's
10 attorney showing a compliance herewith are filed with the clerk
11 of the court in which such action is pending on or before the date
12 the defendant is required to appear, or within such further time
13 as the court may allow.

14 (c) Service of process and a complaint in any such action or
15 proceeding shall in addition to the manner provided in subsection
16 (b) of this section be valid if served upon any person within this
17 State who, in this State on behalf of such insurer, is

18 (1) soliciting insurance, or

19 (2) making, issuing or delivering any contract of insurance, or

20 (3) collecting or receiving any premium, membership fee,
21 assessment or other consideration for insurance; and a copy of
22 such process and complaint is sent within ten days thereafter by
23 registered mail by the plaintiff or plaintiff's attorney to the
24 defendant at the last-known principal place of business of the
25 defendant, and the defendant's receipt, or the receipt issued by
26 the post office with which the letter is registered, showing the
27 name of the sender of the letter and the name and address of the
28 person to whom the letter is addressed, and the affidavit of the
29 plaintiff or plaintiff's attorney showing a compliance herewith
30 are filed with the clerk of the court in which such action is
31 pending on or before the date the defendant is required to
32 appear, or within such further time as the court may allow.

33 (d) No plaintiff shall be entitled to a judgment by default under
34 this section until the expiration of thirty days from date of the
35 filing of the affidavit of compliance.

36 (e) Nothing in this section contained shall limit or abridge the
37 right to serve any process, complaint, notice or demand upon any
38 insurer in any other manner now or hereafter permitted by law.

39 (cf: P.L.1953, c.17, s.190)

40 ¹[229.] 232.¹ N.J.S.17B:34-8 is amended to read as follows:

41 17B:34-8. Subpoenas to witnesses shall be issued in the name of
42 the commissioner by him or by any deputy commissioner or other
43 employee designated by him at the request of any person
44 interested in the proceeding, but no subpoena duces tecum shall
45 be issued except for good cause shown. All subpoenas shall be
46 subject to modification or cancellation on application and upon a
47 showing that the same is oppressive or unreasonable, that the
48 witness or evidence to be produced is not reasonably related to
49 the matter, or on any other proper ground. Any person failing or

1 refusing to comply with the command of a subpoena may be
2 ordered by a judge of [a County Court or of] the Superior Court,
3 on application made by the commissioner or by the person at
4 whose instance the subpoena was issued, and to be proceeded
5 upon in a summary manner, to comply with the terms of the
6 subpoena or else to be punished by the court for contempt.

7 (cf: N.J.S.17B:34-8)

8 ¹[230.] 233. ¹ N.J.S.18A:6-21 is amended to read as follows:

9 18A:6-21. If a person subpoenaed to attend at any such hearing
10 fails to obey the command of the subpoena, without reasonable
11 cause, or if a person in attendance at any such hearing refuses
12 without lawful cause to be examined or to answer a legal or
13 pertinent question, or to exhibit any book, or other document,
14 when ordered to do so by the officer holding such hearing, they
15 or he may apply to any judge of the [county or] superior court,
16 upon proof by affidavit of the facts, for an order returnable in
17 such time as such judge shall fix, directing such person to show
18 cause before such judge why he should not comply with such
19 subpoena.

20 (cf: N.J.S.18A:6-21)

21 ¹[231.] 234. ¹ N.J.S.18A:47-1 is amended to read as follows:

22 18A:47-1. The board of education of a school district may
23 establish and maintain a special school of instruction for the
24 purpose of restraining, instructing, and caring for dependent and
25 delinquent children under 16 years of age, committed to the
26 school by [any juvenile and domestic relations court or any court
27 having jurisdiction over juvenile offenders] the Superior Court,
28 Chancery Division, Family Part. Such special school shall be
29 deemed to be a part of the public school system of the school
30 district in or by which it has been established.

31 (cf: N.J.S.18A:47-1)

32 ¹[232.] 235. ¹ N.J.S.18A:47-4 is amended to read as follows:

33 18A:47-4. Such special school shall receive, restrain, and
34 instruct dependent delinquent children, and children under the
35 age of 16 years, [who shall be habitual truants, or habitually
36 insubordinate, incorrigible, or disorderly during their attendance
37 at schools,] committed to such school by [a juvenile and domestic
38 relations or other court] the Superior Court, Chancery Division,
39 Family Part pursuant to the "New Jersey Code of Juvenile
40 Justice," P.L.1982, c. 77 (C.2A:4A-20 et seq.).

41 If in the judgment of the court the best interests of a child
42 demand that the special school have the entire charge and control
43 of the child, the court may take the custody of the child from its
44 parents or guardian and give it, for an indeterminate period, to
45 the board of education having control of the special school. When
46 in the judgment of the board the conduct of the child has so
47 improved that it should be permitted to attend the regular public
48 schools, it may return the child to the custody of its parents or
49 guardian.

1 Any child, under the age of 16 years, arrested for any cause
2 except murder or manslaughter, and pupils habitually truant or
3 incorrigible, may, by order of the [juvenile and domestic
4 relations or other court,] Family Part be held in the school until
5 final judgment.

6 (cf: N.J.S.18A:47-4)

7 ¹[233.] 236.¹ N.J.S.18A:47-12 is amended to read as follows:

8 18A:47-12. The superintendent of a special school of
9 instruction shall, when required, present to the [juvenile and
10 domestic relations or other court] Superior Court, Chancery
11 Division, Family Part a report concerning the conduct and
12 maintenance of the school and the number of pupils therein and
13 such other information as the court shall require.

14 (cf: N.J.S.18A:47-12)

15 ¹[234.] 237.¹ N.J.S.18A:47-13 is amended to read as follows:

16 18A:47-13. Nothing in this chapter shall be construed to alter
17 or diminish any of the powers conferred on [juvenile and domestic
18 relations courts] the Superior Court, Chancery Division, Family
19 Part by any other legislation.

20 (cf: N.J.S.18A:47-13)

21 ¹[235.] 238.¹ N.J.S.18A:61-4 is amended to read as follows:

22 18A:61-4. Application for admission shall be made to the state
23 board by a parent, guardian or friend of a proposed pupil in the
24 manner directed by the board. The board shall require that the
25 application be accompanied by a certificate from a judge of the
26 [county] superior court or the county clerk of the county, a
27 chosen freeholder or clerk of the township, the mayor or other
28 executive officer of the municipality in which the applicant shall
29 reside, stating:

30 a. That the applicant is a legal resident of the municipality
31 claimed as his residence;

32 b. The age, circumstances and capacity of the proposed pupil;
33 and

34 c. The ability or inability of the proposed pupil or his parent or
35 guardian to pay any part of the expense of his care and
36 maintenance.

37 (cf: N.J.S.18A:61-4)

38 ¹[236.] 239.¹ R.S.19:6-3 is amended to read as follows:

39 19:6-3. The county board shall, on or before April 1, appoint
40 the members of the district boards. The members of any district
41 board shall be equally apportioned between the 2 political parties
42 which at the last preceding general election held for the election
43 of all of the members of the General Assembly cast the largest
44 and next largest number of votes respectively in this State for
45 members of the General Assembly.

46 In case the county board shall neglect or refuse to appoint and
47 certify the members of the district boards as herein provided, [a
48 judge] the Assignment Judge of the [County] Superior Court

1 shall, before April 10 in each year, make such appointments and
2 certifications.

3 (cf: P.L.1966, c.19, s.3)

4 ¹[237.] 240.¹ R.S.19:6-4 is amended to read as follows:

5 19:6-4. A judge of the [County] Superior Court or the county
6 board shall have power to dismiss any member of a district board
7 from such board for an illegal act, or for any cause which shall be
8 determined in a summary way by such judge or county board. The
9 county board shall ~~dismiss the members of a district board from~~
10 such board if upon any recount of the votes cast in such district it
11 shall appear that errors occurred in the count or the certificate
12 thereof, which, under the provisions of this Title, are sufficient
13 to cause the costs of such recount to be paid by the State,
14 county or municipality; and no person so removed from any board
15 shall thereafter be eligible to serve as a member of the same or
16 any other district election board. Application for the removal of
17 all of the members, or of any member of any district election
18 board, may, within ten days after the final order has been
19 entered on any recount which may have been allowed affecting
20 such district, be made by any candidate at the last election to a
21 judge of the [County] Superior Court or the county board. On the
22 application, summary hearings shall be held to determine whether
23 the board or the member was incompetent or careless in the
24 receipt of illegal votes or the rejection of legal votes or
25 otherwise in the conduct of the election generally. If, upon such
26 hearing, it appears to the judge or the county board, as the case
27 may be, that such incompetency or carelessness existed, the
28 board or the member thereof found so to be incompetent or
29 careless shall be removed and upon such removal disqualified
30 from further service as a member of any district board.

31 (cf: P.L.1953, c.19, s.9)

32 ¹[238.] 241.¹ R.S.19:6-30 is amended to read as follows:

33 19:6-30. The district board in each election district, the county
34 board, and the clerk thereof, the board of county canvassers and
35 the board of State canvassers and the [County] Superior Court
36 shall, respectively, possess full power and authority to direct the
37 police on duty to maintain regularity and order, and to enforce
38 obedience to their lawful commands during their sessions
39 respectively.

40 If a person shall refuse to obey the lawful command of any such
41 board, or by disorderly conduct in its hearing or presence shall
42 interrupt or disturb its proceedings, it may by an order in writing,
43 signed by its chairman and attested by its clerk, commit the
44 person so offending to the common jail of the county in which the
45 board shall have met, for a period not exceeding three days. Such
46 order shall be executed by any sheriff or constable to whom it
47 shall be delivered; or if a sheriff or constable shall not be present
48 or shall refuse to act, by any other person deputed by the board in
49 writing, and the keeper of such jail shall receive the person so

1 committed, and safely keep him for such time as shall be
2 provided in the commitment.

3 (cf: P.L.1953, c.19, s.11)

4 ¹[239.] 242.¹ R.S.19:15-24 is amended to read as follows:

5 19:15-24. The district boards shall not give a ballot to any
6 person unless they shall be satisfied that such person is in all
7 respects qualified and entitled to vote; and for the purpose of
8 satisfying themselves as to the right of any person who shall
9 claim a right to vote they shall have power to examine such
10 person, and any other person or persons, under oath or
11 affirmation, touching such right, except as hereinbefore
12 restricted. The board shall determine the right of the voter to
13 vote, after making use of, and giving due weight to, the evidence
14 afforded by his signature, if any, and such answers, and if any
15 member of the board shall give or assent to give a ballot to any
16 person challenged, without requiring him to take the oath or
17 affirmation hereinbefore prescribed to be made upon such
18 challenge, and the person shall not be qualified and entitled to
19 vote, the member so giving or assenting to give a ballot, shall be
20 deemed to have given to such person a ballot, knowing it to be
21 illegal. The question as to the giving of the ballot to the person
22 shall be put in the following form:

23 "Shall a ballot be given to this person by this board?"

24 If a majority of the board shall decide to give a ballot to such
25 voter or in case of a tie vote, the voter shall be given a ballot
26 and allowed to vote.

27 If a majority of the board shall decide against giving a ballot to
28 the voter no ballot shall be given. The board upon demand of a
29 member of the board or any other citizen shall forthwith issue a
30 warrant for the arrest of such person and deliver the same to a
31 peace officer, who shall forthwith arrest him, and the right to
32 challenge voters shall exist until the ballot shall have been
33 deposited in the ballot box.

34 Every such challenge and the determination of the board shall
35 in every instance be recorded in the signature comparison record,
36 in the column "Sig. Comp. by," used at the election at which the
37 challenge has been made.

38 Any member of a district board who refuses or neglects to
39 comply with the provisions of this section may be summarily
40 removed from office by the county board, or any judge of the
41 Superior Court assigned to the [county or a judge of the County
42 Court of the] county.

43 (cf: P.L.1953, c.19, s.16)

44 ¹[240.] 243.¹ R.S.19:17-5 is amended to read as follows:

45 19:17-5. If any district board neglects to give the following
46 information on the statements of results: the total number of
47 names on the signature copy register or register of voters, the
48 total number of ballots rejected, the number of votes given for
49 each person, and the number of votes given for or against each

1 public question, or fails to deliver or safely transmit any
2 statement of the result of any election, tally sheet, signature
3 copy registers, register of voters, ballot box or boxes, ballot box
4 keys, flag or any other document or book pertaining to any
5 election, within the time required by this Title, or destroys or
6 damages, or causes or allows any loose leaf binder, registry book
7 or other book or document to be destroyed or damaged or fails to
8 perform any duties provided by this Title or imposed by the
9 county board or by the commissioner, the payment of part or all
10 of the compensation of the members of the board shall be
11 withheld by the county treasurer or collector, as the case may be,
12 by order of the county board or the commissioner, as the case
13 may be, or may be forfeited by like order; and the Secretary of
14 State or the clerk of the county or the municipal clerk, as the
15 case may be, shall certify to the county board the name of any
16 district board so failing to deliver or transmit such statements,
17 books, documents or articles as hereinbefore mentioned.

18 In case of failure of a district board to produce the required
19 statements, books or other documents within twenty-four hours
20 after being notified, the county board may make application to
21 the [County] Superior Court for an order to show cause why the
22 members of such district board shall not be held in contempt of
23 court for such neglect or failure, and punished accordingly.

24 (cf: P.L.1953, c.19, s.21)

25 ¹[241.] 244.¹ R.S.19:18-1 is amended to read as follows:

26 19:18-1. As soon as the election shall be finished and the votes
27 canvassed and the statements made and certified by the district
28 board as herein required, all ballots which have been cast,
29 whether the same have been canvassed and counted or rejected
30 for any cause, and one tally sheet, spoiled and unused ballots,
31 shall be carefully collected and deposited in the ballot box.

32 In all municipalities the signature copy registers shall not be
33 placed in the ballot box but shall be delivered immediately by the
34 district board to the commissioner of registration.

35 In order to carry out his duties, any superintendent of elections
36 in counties having a superintendent of elections shall have access
37 and be permitted to inspect and examine any and all signature
38 copy registers for said county for any election which may have
39 been or shall be held in said county and any official or person
40 having possession or custody of same who shall refuse to deliver
41 said signature copy registers to the office of said superintendent
42 of elections forthwith upon demand having been made upon him
43 by said superintendent of elections as aforesaid shall be guilty of
44 a misdemeanor. Unless the said official having custody or
45 possession of said signature copy registers shall forthwith produce
46 the same at the office of the superintendent of elections when
47 demanded by him so to do, the said superintendent of elections
48 may apply to a judge of the Superior Court assigned to the county
49 [or a judge of the County Court of the county,] and such judge

1 shall forthwith make an order directing the official having
2 possession or custody of the said signature copy registers to
3 produce them at once in the court in which said judge may be
4 sitting, and upon their being produced said judge shall deliver the
5 same to the superintendent of elections.

6 (cf: P.L.1953, c.19, s.22)

7 ¹[242.] 245.¹ R.S.19:18-4 is amended to read as follows:

8 19:18-4. Every municipal clerk to whom the ballot boxes shall
9 be delivered shall thereupon keep the same, with their contents,
10 but shall not have the keys thereof in his possession until
11 required for the next ensuing election, and shall not open or
12 permit to be taken or opened any ballot box for the space of
13 three months after the same has been so deposited, except when
14 he shall be called upon by some court or other tribunal
15 authorized to try the merits of such election or to take testimony
16 regarding the same; and after such trial or investigation the clerk
17 shall have such box or boxes returned to be held for any purpose
18 within the time that same are required to remain in his custody.

19 After the space of three months the municipal clerk may
20 remove the contents thereof and preserve the same for two
21 years, and permit the ballot boxes to be used at any election,
22 unless an order shall have been made directing a recount of the
23 ballots contained therein, or a petition filed contesting any
24 nomination or election necessitating the use of the ballots
25 contained in such boxes, within the time limited by law.

26 When any election is required to be held for any purpose within
27 such three months, the judge of the Superior Court assigned to
28 the [county or a judge of the County Court of the] county, upon
29 application of the governing body of any municipality, may direct
30 that the contents of such ballot boxes be removed and preserved
31 for two years and that these ballot boxes be used at such
32 election.

33 (cf: P.L.1953, c.19, s.23)

34 ¹[243.] 246.¹ R.S.19:26-2 is amended to read as follows:

35 19:26-2. The party primary poll books shall be subject to public
36 inspection, and any voter whose name appears therein may apply
37 to a judge of the [County] Superior Court [for his] in the county,
38 at any time prior to the next primary election to have [his] the
39 person's name stricken from such book, and the court shall have
40 power to hear the application in a summary way at such time and
41 upon such notice to that person as it may prescribe, and if
42 satisfied that the applying voter's name has been improperly
43 placed on such primary book, the court may make an order
44 directing the commissioner, the county clerk or the municipal
45 clerk, as the case may be, to erase the name from the primary
46 book, and the commissioner or clerk, as the case may be, shall
47 thereupon erase the same.

48 (cf: P.L.1953, c.19, s.26)

49 ¹[244.] 247.¹ R.S.19:28-1 is amended to read as follows:

1 continued residence or of removal of any registrant.

2 The commissioner in counties having a superintendent of
3 elections, and the county board in all other counties, shall, in
4 addition to the method hereinbefore provided, at least once
5 during every four years and as often as the commissioner in
6 counties having a superintendent of elections or the county board
7 in all other counties may deem necessary, cause the entire
8 registry list to be investigated by house-to-house canvass to
9 establish the fact of continued residence, removal, death,
10 disqualification or improper registration.

11 In case of registrants who have been found to the satisfaction
12 of the commissioner in counties having a superintendent of
13 elections and to the county board in all other counties, to have
14 moved from one address to another within the same county, the
15 commissioner in counties having a superintendent of elections,
16 and the county board in all other counties, shall cause the
17 permanent registration forms of said registrants to be transferred
18 to the proper registers, upon receipt of a change of residence
19 notice duly executed by such registrants, as provided by law.

20 In case of registrants so found to have moved to any place
21 outside the county or State, the commissioner in counties having
22 a superintendent of elections, and the county board in all other
23 counties, shall cause the permanent registration forms of such
24 persons to be transferred to the inactive file. Such persons upon
25 return to any municipality within the county shall be required to
26 reregister before being allowed to vote.

27 In case of registrants so found to have died, been disqualified
28 or improperly registered, the county board in counties not having
29 a superintendent of elections shall cause the permanent
30 registration forms of such persons to be transferred to the
31 inactive or death file as the case may be.

32 The county board in counties not having a superintendent of
33 elections before removing, for any reason whatsoever, the
34 permanent registration forms of any registrant from the
35 signature copy registers, or before transferring such forms to the
36 inactive file shall cause to be published a notice setting forth the
37 proposed action of the county board. This notice shall contain
38 the list of the names and registered addresses of all registrants to
39 be affected by the proposed action. Such notice and list shall be
40 published at least two entire days prior to the removal of such
41 names and shall be published in at least one, and if the county
42 board deems necessary, two or more newspapers published within
43 the county, one of which newspapers, at least, shall be published
44 in the municipality affected, if there be one published therein;
45 otherwise, one which shall have a circulation in said
46 municipality. At least one of such newspapers shall be a daily
47 newspaper, but if there be no daily newspapers published in the
48 county then such notices shall be published as above provided in
49 weekly papers. The notice and list shall in addition specify the

1 reason or reasons for the contemplated removal or transfer of the
2 permanent registration forms of the registrants affected. The
3 notice and list shall be published in the manner above provided
4 prior to the second Tuesday preceding any election.

5 Any person affected by any action of the county board in
6 counties not having a superintendent of elections shall, during
7 the two weeks immediately preceding any election and on
8 election day, have the right to make application to any judge of
9 the [County] Superior Court [of] in that county, for the purpose of
10 obtaining an order entitling him to vote in the district in which he
11 actually resides. The burden of proof shall be upon the
12 applicant. The judge of the [County] Superior Court if satisfied
13 that the applicant is entitled, under the law, to vote at such
14 election, and after determining the election district in which such
15 person actually resides, may issue an order directing the district
16 board of that district to permit such person to vote. Such person
17 must reregister before voting at any subsequent election by court
18 order or otherwise. If the applicant shall be refused the right to
19 vote, due to inability of the district board or of the commissioner
20 or of the county board to find the permanent registration forms
21 of such applicant, then in addition such applicant shall establish
22 by reference to the registry lists of former elections, that he was
23 previously registered. Such evidence shall be deemed sufficient
24 to establish the fact that the applicant was formerly registered.
25 If the order is directed to a district board, the district board shall
26 certify and return the order at the close of the election to the
27 commissioner.

28 In counties having a superintendent of elections, any registrant
29 so found to have died, or been disqualified by conviction of a
30 crime which would disfranchise a person under the laws of this
31 State, or never has resided at the place of registry or is
32 registered from some place other than his actual residence, or
33 does not possess the qualifications to vote required by the
34 Constitution of this State, or is otherwise not entitled to vote,
35 the commissioner shall cause the permanent registration forms of
36 such registrant to be transferred to the inactive or death file as
37 the case may be.

38 The commissioner in counties having a superintendent of
39 elections, before transferring such forms to the inactive file or
40 death file, shall serve an order in writing, signed by him, upon the
41 proper district board, ordering it to refuse to allow such person to
42 vote at the next election.

43 The commissioner in counties having a superintendent of
44 elections, before signing such order in writing to any district
45 board, shall give notice of his proposed action to such registered
46 person (1) personally, or (2) by leaving the same at the person's
47 registered place of residence with a person above the age of
48 fourteen years, if any such person can be found, and if not, by
49 affixing the same to the outer door of such place of residence or

1 to any other portion of such premises if no building be found
2 thereon, or (3) by sending the same by mail addressed to the
3 person at his registered place of residence at least two entire
4 days before the issuance of the order; and the commissioner shall
5 cause a list of the names of such persons, with their registry
6 addresses, to be published at least two entire days before the
7 issuance of the order in at least one, and if the commissioner
8 deems necessary, two or more newspapers published within the
9 county, at least one of which shall be a daily newspaper, if there
10 be one published therein; otherwise, one which shall be published
11 most frequently. Such published notice, in addition to containing
12 the names and addresses of such persons, shall give notice to
13 them of the proposed action of the commissioner. No such order
14 in writing shall be signed by the commissioner subsequent to the
15 Tuesday preceding an election.

16 In all counties when the transfer of any person's permanent
17 ~~registration form is to be made to the death file or is to be made~~
18 to the inactive file because such person did not vote at any
19 election during four consecutive years, or because the name of
20 such person has been ordered stricken from the register by the
21 court, or because such person has changed his or her name by
22 decree of court, or because such person is a woman who changed
23 her name due to marriage or divorce and neglected to reregister
24 in accordance with law, or because the information which forms
25 the basis of such proposed action in making such transfer was
26 ~~received from such person directly, no notice of such proposed~~
27 action need be given to such registered person and such person's
28 name and registry address need not be published as required in
29 this section.

30 The commissioner in counties having a superintendent of
31 elections shall cause such order to be delivered to the district
32 board at the same time as the challenge lists are delivered,
33 which order shall be receipted for by the judge of the district
34 board, who shall use the order in conjunction with the registry
35 list, so that no person whose name appears upon the order shall be
36 allowed to vote. Such order shall be signed and certified to by
37 each member of the district board to the effect that no person
38 whose name appears therein has been allowed to vote. The order
39 shall be returned to the commissioner at the same time and
40 together with the challenge lists. Upon receipt of such order the
41 commissioner shall thereupon transfer the permanent registration
42 ~~forms of the person named in such order to the inactive, death or~~
43 conviction file, as the case may be, and he shall not be permitted
44 to vote at any subsequent election, by court order or otherwise,
45 unless he has reregistered.

46 Any person affected by the action of the commissioner in
47 counties having a superintendent of elections shall, during the
48 week immediately preceding the election and on the election day,
49 have the right to make application to a judge of the [County]

1 Superior Court [of] in the county for the purpose of obtaining an
2 order entitling him to vote in the district in which he actually
3 resides. The burden of proof shall be upon the applicant. The
4 judge of the [County] Superior Court if satisfied that the
5 applicant is entitled under the law to vote at such election and
6 after determining the election district in which the person
7 actually resides may issue an order directing the district board of
8 that district to permit such person to vote. If the applicant shall
9 be refused the right to vote, due to the inability of the district
10 board or of the commissioner or of the county board to find the
11 permanent registration forms of such applicant, then in addition
12 such applicant shall establish by reference to the registry lists of
13 former elections that he was previously registered. Such
14 evidence shall be deemed sufficient to establish the fact that the
15 applicant was formerly registered. The district board shall
16 certify and return the order to the commissioner at the close of
17 the election, who thereupon shall restore the permanent
18 registration forms of such person to the active file. Before the
19 issuance of such order, the commissioner shall be heard
20 personally, or by his chief deputy or assistants, as to the reasons
21 why he has issued an order denying such person the right to vote.
22 The commissioner or any one representing him shall have full
23 power to cross-examine any witness. The judge of the [County]
24 Superior Court making such order shall cause a full record of the
25 proceedings of the application to be taken stenographically,
26 transcribed and filed in the office of the county clerk of the
27 county, which record shall be open and public record. All costs
28 and expenses of such proceedings shall be paid by the county.

29 In no event shall the permanent registration forms or voting
30 record of any registrant be removed or transferred to the
31 inactive file subsequent to the second Tuesday preceding any
32 election, until after such election; nor shall the permanent
33 registration forms or voting record of any registrant in counties
34 not having a superintendent of elections be removed or
35 transferred to the inactive file if the name of such registrant is
36 not first published in the manner above described, except as
37 herein otherwise provided.

38 Any commissioner who, after ascertaining that a person has
39 died, been disqualified, moved out of the permanent registration
40 area or has been improperly registered, and who willfully or
41 fraudulently refuses to cause to transfer the permanent
42 registration forms of such persons to the proper file shall be
43 guilty of a misdemeanor.

44 (cf: P.L.1953, c.206, s.1)

45 ¹[247.] 250.¹ R.S.19:31-19 is amended to read as follows:

46 19:31-19. The commissioner shall transfer to the inactive file
47 the permanent registration and record of voting forms of such
48 persons as a judge of the Superior Court [, or a judge of the
49 County Court] may, as hereinafter provided, order stricken from

1 the signature copy register.

2 The registrant shall be notified by the commissioner by
3 registered mail of any transfer made pursuant to this section.

4 After the permanent registration form of any person has been
5 placed in the inactive file for any reason whatsoever, the
6 Commissioner of Registration shall stamp across the face of said
7 registration form in red ink with a rubber stamp, in type at least
8 one inch high, the word void and underneath said word, inactive,
9 and thereafter, the said form shall not be restored, reinstated or
10 re-transferred to the active file.

11 Any person whose permanent registration form has been
12 transferred to the inactive file shall be required to reregister, in
13 order to be eligible to vote.

14 In no event, shall any person's registration form number which
15 has been transferred to the inactive file be again used as the
16 registration number of that person or any other person.

17 (cf: P.L.1953, c.19, s.45)

18 ¹[248.] 251.¹ Section 1 of P.L.1940, c.53 (C.19:31-27) is
19 amended to read as follows:

20 1. Any candidate or his duly authorized attorney shall within
21 twenty days after any election, upon application to the
22 commissioner of registration, be permitted to inspect and
23 examine the original and duplicate registration binders in the
24 office of the commissioner and compare signatures thereon and if
25 the commissioner shall refuse the right of examination and
26 inspection, application may be made to any judge of the Superior
27 Court assigned to the [county or a judge of the County Court of
28 the] county, and such judge shall forthwith order the said
29 commissioner to allow such person to make an examination and
30 inspection, as aforesaid.

31 (cf: P.L.1953, c.19, s.46)

32 ¹[249.] 252.¹ R.S.19:32-18 is amended to read as follows:

33 19:32-18. Any person affected by the action of the
34 superintendent shall during the week immediately preceding the
35 election and on the election day have the right to make
36 application to a judge of the [County] Superior Court [of] in the
37 county for the purpose of obtaining an order entitling him to
38 vote in the district in which he actually resides. The burden of
39 proof shall be upon the applicant.

40 A judge of the [County] Superior Court, if satisfied that the
41 applicant is entitled under the law to vote at such election and
42 after determining the election district in which the person
43 actually resides may issue an order directing the district board of
44 that district to permit such person to vote. The district board
45 shall certify and return the order to the commissioner at the
46 close of the election, who thereupon shall restore the permanent
47 registration forms of such person to the active file. Before the
48 issuance of such order, the superintendent shall be heard
49 personally, or by his chief deputy or assistants, as to the reasons

1 why he has issued an order denying such person the right to vote.
2 The superintendent or anyone representing him shall have full
3 power to cross-examine any witness.

4 The judge of the [County] Superior Court making such order
5 shall cause a full record of the proceedings of the application to
6 be taken stenographically, transcribed and filed in the office of
7 the county clerk of the county, which record shall be an open and
8 public record. All costs and expense of such proceedings shall be
9 paid by the county.

10 Any person whose name shall appear on the peremptory order
11 list and who shall not apply for and be granted an order to vote,
12 during the week immediately preceding the election or on the
13 election day immediately following the publication of his name
14 as heretofore provided, shall not be permitted to vote by court
15 order or otherwise until he shall have first reregistered.

16 (cf: P.L.1953, c.19, s.48)

17 ¹[250.] 253.¹ R.S.19:32-19 is amended to read as follows:

18 ~~19:32-19. Any member of a district board who, after the~~
19 receipt of an order from the superintendent denying any person
20 the right to vote, unless the order of the superintendent has been
21 revoked by a judge of the [County] Superior Court [of] in the
22 county, as hereinabove provided, allows such person to vote, shall
23 be guilty of a misdemeanor, shall forfeit his right to such office
24 and be subject to imprisonment for a term not exceeding three
25 years, or the payment of a fine of one thousand dollars
26 (\$1,000.00), or both.

27 (cf: P.L.1953, c.19, s.49)

28 ¹[251.] 254.¹ Section 16 of P.L.1947, c. 167 (C.19:32-41) is
29 amended to read as follows:

30 16. Any person affected by the action of the superintendent
31 shall during the week immediately preceding the election and on
32 the election day have the right to make application to a judge of
33 the [County] Superior Court [of] in the county for the purpose of
34 obtaining an order entitling him to vote in the district in which he
35 actually resides. The burden of proof shall be upon the
36 applicant.

37 The judge of the [County] Superior Court, if satisfied that the
38 applicant is entitled under the law to vote at such election and
39 after determining the election district in which the person
40 actually resides may issue an order directing the district board of
41 that district to permit such person to vote. The district board
42 shall certify and return the order to the commissioner at the
43 close of the election, who thereupon shall restore the permanent
44 registration forms of such person to the active file. Before the
45 issuance of such order, the superintendent shall be heard
46 personally, or by his chief deputy or assistants, as to the reasons
47 why he has issued an order denying such person the right to
48 vote. The superintendent or anyone representing him shall have
49 full power to cross-examine any witness.

1 The judge of the [County] Superior Court making such order
2 shall cause a full record of the proceedings of the application to
3 be taken stenographically, transcribed and filed in the office of
4 the county clerk of the county, which record shall be an open and
5 public record. All costs and expense of such proceedings shall be
6 paid by the county.

7 (cf: P.L.1953, c.19, s.51)

8 ¹[252.] 255.¹ Section 17 of P.L.1947, c.167 (C.19:32-42) is
9 amended to read as follows:

10 17. Any member of a district board who, after the receipt of an
11 order from the superintendent denying any person the right to
12 vote, unless the order of the superintendent has been revoked by
13 a judge of the [County] Superior Court [of the county], as
14 hereinabove provided, allows such person to vote, shall be guilty
15 of a misdemeanor, shall forfeit his right to such office and be
16 subject to imprisonment for a term not exceeding three years, or
17 the payment of a fine of one thousand dollars (\$1,000.00), or
18 both.

19 (cf: P.L.1953, c.19, s.52)

20 ¹[253.] 256.¹ R.S.19:33-1 is amended to read as follows:

21 19:33-1. A judge of the Superior Court [assigned to the County
22 Court or a judge of the County Court of the county] shall order
23 stricken from any register the name of any person who shall be
24 shown to his satisfaction not to be entitled to vote at any
25 election in the election district wherein he is registered, and the
26 commissioner shall, upon such order, cause the name of such
27 person to be stricken from the register.

28 Such judge shall hear an application to strike off in a summary
29 manner at the time and day specified in the notice hereafter
30 provided; but no name shall be stricken or ordered stricken from
31 any such register in the absence of the person to be affected
32 thereby, unless it shall appear to the judge by affidavit of the
33 commissioner of registration or his deputy or assistant that
34 notice by mail has been given such person, either personally or by
35 leaving the same at his registered place of residence, or present
36 actual residence, if known to the commissioner, at least five
37 entire days before the day and time of hearing before such judge,
38 that at such hearing application would be made to have the name
39 of such registered person stricken from the register, and of the
40 grounds on which such application would be based. Such judge
41 shall not order any name stricken subsequent to the sixth Tuesday
42 preceding any election. The commissioner shall notify the judge,
43 five days before the day and time specified, when the application
44 will be made, and the judge shall hear the application at the time
45 and day specified in the notice.

46 In addition to the notice by mail, the commissioner shall also
47 publish in one or more newspapers within the county at least five
48 entire days before the day and time of hearing before such judge,
49 the names and registered addresses of such persons as shall be

1 The judge of the [County] Superior Court making such order
2 shall cause a full record of the proceedings of the application to
3 be taken stenographically, transcribed and filed in the office of
4 the county clerk of the county, which record shall be an open and
5 public record. All costs and expense of such proceedings shall be
6 paid by the county.

7 (cf: P.L.1953, c.19, s.51)

8 ¹[252.] 255.¹ Section 17 of P.L.1947, c.167 (C.19:32-42) is
9 amended to read as follows:

10 17. Any member of a district board who, after the receipt of an
11 order from the superintendent denying any person the right to
12 vote, unless the order of the superintendent has been revoked by
13 a judge of the [County] Superior Court [of the county], as
14 hereinabove provided, allows such person to vote, shall be guilty
15 of a misdemeanor, shall forfeit his right to such office and be
16 subject to imprisonment for a term not exceeding three years, or
17 the payment of a fine of one thousand dollars (\$1,000.00), or
18 both.

19 (cf: P.L.1953, c.19, s.52)

20 ¹[253.] 256.¹ R.S.19:33-1 is amended to read as follows:

21 19:33-1. A judge of the Superior Court [assigned to the County
22 Court or a judge of the County Court of the county] shall order
23 stricken from any register the name of any person who shall be
24 shown to his satisfaction not to be entitled to vote at any
25 election in the election district wherein he is registered, and the
26 commissioner shall, upon such order, cause the name of such
27 person to be stricken from the register.

28 Such judge shall hear an application to strike off in a summary
29 manner at the time and day specified in the notice hereafter
30 provided; but no name shall be stricken or ordered stricken from
31 any such register in the absence of the person to be affected
32 thereby, unless it shall appear to the judge by affidavit of the
33 commissioner of registration or his deputy or assistant that
34 notice by mail has been given such person, either personally or by
35 leaving the same at his registered place of residence, or present
36 actual residence, if known to the commissioner, at least five
37 entire days before the day and time of hearing before such judge,
38 that at such hearing application would be made to have the name
39 of such registered person stricken from the register, and of the
40 grounds on which such application would be based. Such judge
41 shall not order any name stricken subsequent to the sixth Tuesday
42 preceding any election. The commissioner shall notify the judge,
43 five days before the day and time specified, when the application
44 will be made, and the judge shall hear the application at the time
45 and day specified in the notice.

46 In addition to the notice by mail, the commissioner shall also
47 publish in one or more newspapers within the county at least five
48 entire days before the day and time of hearing before such judge,
49 the names and registered addresses of such persons as shall be

1 affected by this proceeding, giving notice through such
2 publication of the time and place where the application is to be
3 made for the removal of said names from the registry lists.

4 The judge shall cause a full record of the proceedings of such
5 application, including the appearances and a statement of his
6 findings of fact and law and of the order made pursuant thereto,
7 to be taken stenographically, transcribed and filed in the office
8 of the county clerk, which record shall be public. All costs and
9 expenses of such proceedings shall be paid by the county. The
10 commissioner of registration, after the hearing before the judge,
11 shall transfer to the inactive file the permanent registration and
12 record of voting forms of such persons as the judge shall have
13 ordered stricken from the signature copy register pursuant to this
14 section.

15 The registrant shall be immediately notified by the
16 commissioner by mail of any transfer made pursuant to this
17 section. In counties other than counties of the first class this
18 notice by mail shall be sent in addition to the notice by
19 publication.

20 (cf: P.L.1953, c.19, s.53)

21 ¹[254.] 257.¹ Section 1 of P.L.1966, c.70 (C.19:34-38.5) is
22 amended to read as follows:

23 1. Any material held for distribution in violation of the act of
24 which this act is a supplement may be seized by the Attorney
25 General or the prosecutor of the county in which it is found and
26 proceeded against by a summary action in rem in the Superior [or
27 County] Court. If the court shall find that the material is held for
28 distribution in violation of said act it shall order the Attorney
29 General or prosecutor to destroy it. No compensation in respect
30 of such material shall be paid to any person whatsoever, whether
31 he be an owner, lienholder or otherwise have or claim an interest
32 in such material. A habitual violator of this said act may be
33 restrained from further violations at the suit of the Attorney
34 General in the Superior Court. The remedies provided by this act
35 shall be in addition to other remedies provided by law.

36 (cf: P.L.1966, c.70, s.1)

37 ¹[255.] 258.¹ R.S.19:34-56 is amended to read as follows:

38 19:34-56. Every person upon whom a subpoena issued under and
39 by virtue of this Title shall have been served, and to whom the
40 lawful fees shall have been paid or tendered, shall obey the
41 command of such subpoena, under the penalty of fifty dollars
42 (\$50.00), to be sued for and recovered, with costs, in a civil
43 action, before any court of competent jurisdiction, by the person
44 on whose application such subpoena shall have been issued; but
45 no person shall in any case be required to attend any such
46 examination as a witness out of the county in which he resides.

47 If any person so duly subpoenaed shall neglect or refuse to obey
48 the command of such subpoena, any judge of the Superior Court
49 [or a judge of the County Court] may, on due proof by affidavit of

1 the service of the subpoena on such witness, and of the payment
2 of his legal fees and of his refusal or neglect to obey the
3 command of the subpoena, issue an attachment against the person
4 to bring him before such judge; and the judge shall have power to
5 proceed against such witness as for a contempt of court.

6 (cf: P.L.1953, c.19, s.54)

7 ¹[256.] 259.¹ R.S.19:34-57 is amended to read as follows:

8 19:34-57. If proof be made before any [county district court]
9 judge of the Superior Court or municipal court [magistrate] of
10 facts constituting probable cause for believing that this Title has
11 been violated, and that any person other than the accused has
12 knowledge of the circumstances connected therewith, such judge
13 [or magistrate] shall issue process of subpoena for the appearance
14 of such person before him, to be examined touching the same.
15 The lawful expenses of such subpoena and examination shall be
16 paid by the applicant therefor, and such evidence shall be filed
17 with the clerk of the county, to be used before the grand jury.

18 No such process of subpoena shall be issued or served nor any
19 such examination held on the day of election.

20 (cf: P.L.1953, c.19, s.55)

21 ¹[257.] 260.¹ Section 31 of P.L.1953, c.211 (C.19:57-31) is
22 amended to read as follows:

23 31. On the day of each election each county board of elections
24 shall open in the presence of the commissioner of registration or
25 his assistant or assistants the inner envelopes in which the
26 absentee ballots, returned to it, to be voted in such election, are
27 contained, except those containing the ballots which the board or
28 the [County] Superior Court [of the county] has rejected, and
29 shall remove from said inner envelopes the absentee ballots and
30 shall then proceed to count and canvass the votes cast on such
31 absentee ballots, but no absentee ballot shall be counted in any
32 primary election for the general election if the ballot of the
33 political party marked for voting thereon differs from the
34 designation of the political party in the primary election of which
35 such ballot is intended to be voted as marked on said envelope by
36 the county board of elections. Immediately after the canvass is
37 completed, the respective county boards of election shall certify
38 the result of such canvass to the county clerk or the municipal or
39 district clerk or other appropriate officer as the case may be
40 showing the result of the canvass by municipality and ward, and
41 the votes so counted and ^{or} canvassed shall be counted in
42 determining the result of said election.

43 The county board of elections shall, immediately after the
44 canvass is completed for a primary election, certify the results
45 of the votes cast for members of the county committees to the
46 respective municipal clerks, which votes shall be counted in
47 determining the result of said election.

48 (cf: P.L.1977, c.47, s.15)

49 ¹[258.] 261.¹ Section 33 of P.L.1953, c.33 (C.19:57-33) is

1 amended to read as follows:

2 33. The county board of elections shall keep, for a period of 1
3 year, all of the requests and applications for absentee ballots, all
4 voted absentee ballots, and all of the certificates which have
5 been detached or separated by them from said inner envelopes,
6 and all inner envelopes together with their certificates, and
7 together with their contents, which have not been opened because
8 the county board or the [County] Superior Court rejected them.
9 Specific power is hereby granted to the superintendent of
10 elections in counties having a superintendent of elections and the
11 prosecutor in all other counties to impound all absentee ballots
12 whenever he shall deem such action to be necessary.

13 (cf: P.L.1955, c.222, s.1)

14 ¹[259.] 262.¹ Section 23 of P.L.1964, c.134 (C.19:58-23) is
15 amended to read as follows:

16 23. The county board of elections shall, promptly after
17 receiving each Presidential ballot, remove the inner envelope,
18 containing the ballot, from the outer envelope and shall compare
19 the signature and the information contained on the flap of the
20 inner envelope with the signature and information contained in
21 the application for the ballot together with the affidavit of
22 residence, if any, accompanying the same. The county board
23 shall reject any such ballot unless the board is satisfied as a
24 result of such comparison and any other source of information
25 available that the voter is legally entitled to vote such a ballot
26 and that the ballot conforms with the requirements of this act.
27 Disputes as to the qualifications of voters to vote Presidential
28 ballots or as to whether or not or how such Presidential ballots
29 shall be counted in such election shall be referred to the
30 [County] Superior Court of the county for determination.

31 After such investigation the county board of elections shall
32 detach or separate the certificate from the inner envelope
33 containing the Presidential ballots, unless it has been rejected by
34 it or by the [County] Superior Court, marking the envelope so as
35 to identify the election district in which the ballot contained
36 therein is to be voted as indicated by the voter's present or
37 former address in this State on the certificate attached to or
38 accompanying said inner envelope.

39 (cf: P.L.1964, c.134, s.23)

40 ¹[260.] 263.¹ Section 30 of P.L.1964, c. 134 (C.19:58-30) is
41 amended to read as follows:

42 30. The county board of elections shall keep, for a period of 1
43 year, all of the affidavits of residence and applications for
44 Presidential ballots, together with all certificates accompanying
45 the same, all voted Presidential ballots, and all of the
46 certificates which have been detached or separated by said board
47 from said inner envelopes, and all inner envelopes together with
48 their certificates, and together with their contents, which have
49 not been opened because the county board or the [County]

1 Superior Court rejected them. Specific power is hereby granted
2 to the superintendent of elections in counties having a
3 superintendent of elections and the prosecutor in all other
4 counties to impound all such ballots whenever he shall deem such
5 action to be necessary.

6 (cf: P.L.1964, c.134, s.30)

7 ¹[261.] 264.¹ Section 13 of P.L.1960, c.55 (C.21:1A-140) is
8 amended to read as follows:

9 13. It shall be unlawful for any person, partnership, firm,
10 association or corporation, and any officer, agent or employee
11 thereof, to violate or proximately contribute to the violation of
12 any of the provisions of this act or of the regulations made
13 hereunder. The violation of this act by an employee, acting
14 within the scope of his authority, of any person, partnership,
15 firm, association, or corporation shall be deemed also to be the
16 violation of such person, partnership, firm, association or
17 corporation. Violations of the provisions of this act or rules and
18 regulations made hereunder shall be punishable for the first
19 offense by a penalty of not less than \$25.00 nor more than
20 \$500.00, for the second offense by a penalty of not less than
21 \$150.00 nor more than \$500.00 and for the third and each
22 succeeding offense by a penalty of not less than \$250.00 nor more
23 than \$1,000.00. The penalties shall be collected by a civil action
24 in the name of the commissioner, to be instituted in the [county
25 district court of the county.] Superior Court or in municipal court
26 of the municipality[,] where the offense was committed. Where
27 the violation consists of a refusal to obey an order of the
28 commissioner made under this act, each day during which the
29 violation continues shall constitute a separate and distinct
30 offense except during the time an appeal from said order may be
31 taken or is pending.

32 A. The Commissioner of Labor [and Industry], in his discretion,
33 is hereby authorized and empowered to compromise and settle
34 any claim for a penalty under this section for an amount that
35 appears appropriate and equitable under all of the
36 circumstances.

37 ~~B. Permits to sell, transport, store or use explosives are~~
38 ~~revocable for cause by the commissioner. In any case where the~~
39 ~~commissioner revokes a permit, he shall notify the permittee of~~
40 ~~the revocation and shall provide, upon written request, for a~~
41 ~~hearing within 10 days of the date of the revocation. Within 30~~
42 ~~days from the termination of the hearing, the commissioner shall~~
43 ~~issue an order approving, disapproving or modifying the~~
44 ~~revocation. [P] permits to manufacture are exempt from~~
45 ~~revocation, but the holders of such permits shall be subject in~~
46 ~~every other respect to the provisions of this act and the rules~~
47 ~~and regulations promulgated hereunder.~~

48 C. The requirements of this act concerning the distances of
49 explosives manufacturing buildings and magazines from each

1 other shall not be construed to apply to permanent buildings or
2 magazines that exist at the time that this act becomes effective
3 and which buildings and magazines have been used under
4 authority of the laws formerly governing the manufacture and
5 storage of explosives. This provision designating such explosives
6 manufacturing buildings and magazines already existing at the
7 effective date of this act as nonconforming uses shall not apply
8 to any explosives manufacturing buildings or magazines
9 constructed subsequent to the passage of this act nor to
10 extensions or additions to such buildings and magazines that are
11 made subsequent to the passage of this act.

12 (cf: P.L.1960, c.55, s.13)

13 ¹[262.] 265.¹ Section 5 of P.L.1950, c.139 (C.21:1B-5) is
14 amended to read as follows:

15 5. It shall be unlawful for any person, firm, association, or
16 corporation, on and after the effective date of this act to violate
17 any of the provisions hereof or of the regulations made pursuant
18 hereto. Any person, firm, association, or corporation violating
19 any of the provisions of this act, or said regulations made
20 hereunder shall be liable to a penalty of not less than \$50.00 nor
21 more than \$500.00 to be collected in a summary proceeding in
22 any municipal court or [county district court] in the Superior
23 Court. Each day during which any violation of this act or of said
24 regulations continues shall constitute a separate and distinct
25 offense.

26 The Superintendent of State Police and the Commissioner of
27 Labor [and Industry], according to their respective jurisdiction
28 under section 2, are hereby authorized and empowered to
29 compromise and settle any claim for a penalty under this section
30 in such amount, in the discretion of the Superintendent of State
31 Police and the Commissioner of Labor [and Industry],
32 respectively, as may appear appropriate and equitable under all
33 of the circumstances.

34 (cf: P.L.1958, c.43, s.5)

35 ¹[263.] 266.¹ N.J.S.22A:1-1 is amended to read as follows:

36 22A:1-1. Every person summoned as a petit juror in the
37 Superior Court [~~and the County Courts~~] shall receive, for each
38 day's attendance at such [courts,] court to be paid by the sheriff
39 of the county in which the juror shall serve, at the expiration of
40 each term of service or at such other time or times within such
41 terms as the board of chosen freeholders of the county shall
42 direct, the sum of five dollars (\$5.00). The board of chosen
43 freeholders of any county may, in its discretion, by resolution
44 reduce the aforesaid amount of five dollars (\$5.00) to such an
45 amount as the board may determine.

46 Every person summoned as a petit juror [in such courts] shall
47 receive, in addition to the above per diem allowance, for actual
48 travel, while engaged in attending court, to and from the
49 courthouse and his residence, mileage at the rate per mile of two

1 cents (\$0.02). The distance from the residence of the juror to the
 2 courthouse shall be computed by the most direct and usual route
 3 of travel between the two points and the first mile both ways
 4 from the courthouse shall be excluded from the computation.

5 The grand jurors and struck jurors in the several counties shall
 6 receive the same compensation, and shall be paid in the same
 7 manner as the petit jurors of the several counties.

8 (cf: N.J.S.22A:1-1)

9 ¹[264.] 267.¹ N.J.S.22A:1-2 is amended to read as follows:

10 22A:1-2. In counties other than counties of the first class, the
 11 sheriff, with the approval of [a] the assignment judge of the
 12 [County] Superior Court, shall estimate and determine, in
 13 accordance with the provisions of section 22A:1-1 of this Title,
 14 the distances traveled by each juror and enter the same opposite
 15 the juror's name on a suitable list to be prepared for the purpose
 16 by the sheriff. The judge shall certify the same by his signature
 17 to the county clerk, who shall file the same in his office.

18 In a book suitably ruled, the county clerk shall, in said counties,
 19 record the names of jurors summoned, and the distance from
 20 their residences to the courthouse as certified by the judge, and
 21 opposite said amount as evidence of the receipt thereof the jurors
 22 shall write their names.

23 For each name so recorded the county clerk shall receive a fee
 24 of eight cents (\$0.08).

25 (cf: N.J.S.22A:1-2)

26 ¹[265.] 268.¹ N.J.S.22A:2-37 is amended to read as follows:

27 22A:2-37. In all civil actions and proceedings in the [county
 28 district court,] Superior Court, Law Division, Special Civil Part,
 29 the following fees shall be paid to the clerk:

30 Copy of proceedings or transcript of the same, per folio,
 31 \$0.20.

32 Instituting action without process where the amount claimed,
 33 does not exceed \$500.00, \$8.00.

34 Instituting action without process where the amount claimed
 35 exceeds \$500.00, \$10.00.

36 Filing a pleading stating a counterclaim, where the amount
 37 claimed does not exceed \$500.00, \$2.00.

38 Filing a pleading stating a counterclaim, where the amount
 39 claimed exceeds \$500.00, \$9.00.

40 Execution, or an order in the nature of execution, on a
 41 judgment, or execution against the body, for one defendant,
 42 \$4.00.

43 Execution against the body, each additional defendant, \$1.00.

44 Copy of execution, or other order, in the nature of execution,
 45 \$0.50.

46 Mileage of constable in serving any summons, execution or
 47 warrant against the body, the distance to be computed by
 48 counting the number of miles, in and out, by the most direct
 49 route from the place where process is issued, for every mile,
 50 \$0.10.

- 1 Summons, one defendant, where the amount does not exceed
2 \$500.00, \$9.60. For each additional defendant, \$1.40.
- 3 Summons, one defendant, where the amount exceeds \$500.00,
4 \$12.00. For each additional defendant, \$1.40.
- 5 In tenancy, one defendant, \$7.10. For each additional
6 defendant, \$0.40.
- 7 In replevin, for service of summons, one defendant, where the
8 amount or value of goods does not exceed \$500.00, \$9.60. For
9 each additional defendant, \$1.40.
- 10 In replevin, for service of summons, one defendant, where the
11 amount or value of goods exceeds \$500.00, \$12.00. For each
12 additional defendant, \$1.40.
- 13 In replevin, where writ is served with summons, one defendant,
14 where the amount or value of goods does not exceed \$500.00,
15 \$14.50. For each additional defendant, \$1.40.
- 16 In replevin, where writ is served with summons, one defendant,
17 where the amount or value of goods exceeds \$500.00, \$17.00. For
18 each additional defendant, \$1.40.
- 19 In replevin, where writ is issued subsequent to service of
20 summons, \$10.50.
- 21 Summons in third party complaints, one defendant, where the
22 amount does not exceed \$500.00, \$9.60. For each additional
23 defendant, \$1.40.
- 24 Summons in third party complaints, one defendant, where the
25 amount exceeds \$500.00, \$12.00. For each additional defendant,
26 \$1.40.
- 27 Actions instituted by capias or warrant to arrest, one
28 defendant, where the amount does not exceed \$500.00, \$17.65.
29 For each additional defendant, \$11.00. Copy of warrant to
30 arrest, \$0.50.
- 31 Actions instituted by capias or warrant to arrest, one
32 defendant, where the amount exceeds \$500.00, \$20.00. For each
33 additional defendant, \$11.00. Copy of warrant to arrest, \$0.50.
- 34 Certificate of judgment, \$1.00.
- 35 Jury of six [men], \$15.00.
- 36 Jury of 12 [men], \$30.00.
- 37 Capias, warrant to arrest, or commitment, one defendant,
38 \$13.35. For each additional defendant, \$11.00.
- 39 Warrant for possession in tenancy, \$9.00.
- 40 Writ of attachment, where the amount does not exceed
41 \$500.00, \$11.85.
- 42 Writ of attachment, where the amount exceeds \$500.00,
43 \$13.00.
- 44 Certifying statement of judgment for docketing in the Superior
45 Court, \$1.00.
- 46 Certifying statement of judgment on mechanic's lien for
47 docketing, \$1.00.
- 48 Restoring case marked not moved, \$1.00.
- 49 Vacating default, \$1.00.

1 Except as specifically provided for herein, there shall be no
2 charge for any order up until the time of final judgment. After
3 final judgment orders for warrants, orders to show cause,
4 discovery or any other order not specifically provided for herein
5 the clerk shall charge the sum of \$1.00.

6 For advertising property under execution or any order, \$5.00.

7 For selling property under execution or any order, \$10.00.

8 (cf: P.L.1980, c.40, s.1)

9 ~~1[266.] 269.~~¹ N.J.S.22A:2-38 is amended to read as follows:

10 22A:2-38. From the fees mentioned in [section] N.J.S.22A:2-37
11 [of this Title], the clerk of the [county district court] Superior
12 Court, Law Division, Special Civil Part shall pay to constables,
13 sergeants-at-arms or other officers designated as process
14 servers pursuant to the provisions of N.J.S.2A:18-5 the following
15 fees:

16 Serving summons or notice on one defendant, \$2.00.

17 Serving summons on every additional defendant \$1.00.

18 ~~Warrant to arrest, capias, or commitment, for each defendant~~
19 ~~served, \$10.00.~~

20 Serving writ and summons in replevin, taking bond and any
21 inventory, against one defendant, \$5.00. Against each additional
22 defendant, \$1.00.

23 Serving writ in replevin when issued subsequent to service of
24 summons, \$3.00.

25 Every execution, or any order in the nature of an execution on
26 a judgment or execution against the body, for each defendant,
27 \$1.50.

28 Writ of attachment and making inventory, \$3.00.

29 Warrant for possession, \$5.00.

30 ~~For every mile of travel in serving any summons or capias~~
31 ~~against the body, execution, subpoena, notice or order, the~~
32 ~~distance to be computed by counting the number of miles in and~~
33 ~~out, by the most direct route from the place where process is~~
34 ~~issued, at the same rate per mile set by the county governing~~
35 ~~body for other county employees.~~

36 In addition to the foregoing, the following fees for constables
37 ~~and sergeants-at-arms shall be taxed in the costs and collected~~
38 ~~on execution, writ of attachment or order in the nature of an~~
39 ~~execution on any final judgment, or on a valid and subsisting levy~~
40 ~~of an execution or attachment which may be the effective cause~~
41 ~~in producing payment or settlement of a judgment or~~
42 ~~attachment.~~

43 For advertising property under execution or any order, \$3.00.

44 For selling property under execution or any order, \$5.00.

45 On every dollar of the first \$1,000.00 collected on execution,
46 writ of attachment or any order, \$0.10, and on every dollar of
47 any amount in excess thereof, \$0.05.

48 (cf: P.L.1980, c.39, s.1)

49 ~~1[267.] 270.~~¹ N.J.S.22A:2-41 is amended to read as follows:

1 22A:2-41. For witnesses there shall be taxed in the costs in the
 2 [county district court,] Superior Court, Law Division, Special
 3 Civil Part, the fees prescribed by [section] N.J.S.22A:1-4 [of this
 4 Title].

5 For each appraiser there shall be taxed in the costs in said
 6 court, a fee of one dollar (\$1.00) for making an inventory and
 7 appraisal.

8 (cf: N.J.S.22A:2-41)

9 ¹[268.] 271. ¹ N.J.S.22A:2-42 is amended to read as follows:

10 22A:2-42. There shall be taxed by the clerk of [a county
 11 district court] the Superior Court, Law Division, Special Civil
 12 Part in the costs against the judgment debtor, a fee to the
 13 attorney of the prevailing party, of five per centum (5%) of the
 14 first five hundred dollars (\$500.00) of the judgment, and two per
 15 centum (2%) of any excess thereof.

16 In actions of replevin the court shall allow the attorney of the
 17 prevailing party a fee of not less than five dollars (\$5.00) nor
 18 more than ten dollars (\$10.00); to be taxed and collected as
 19 aforesaid.

20 Upon entry of any order adjudging a person in contempt for
 21 violation of any order of the court or upon any motion or
 22 application to the court made subsequent to the commencement
 23 of an action or proceeding in [any county district court] the
 24 Special Civil Part, the court, in its discretion, may award an
 25 attorney or counsel fee of not more than ten dollars (\$10.00) to
 26 be paid in such manner as the court shall direct.

27 (cf: N.J.S.22A:2-42)

28 ¹[269.] 272. ¹ N.J.S.22A:2-43 is amended to read as follows:

29 22A:2-43. In civil causes, in municipal courts, all filing fees
 30 and other charges, all fees of constables, jurors, attorneys and
 31 appraisers, and all costs shall be the same as are provided by law
 32 for similar services in the [county district court] Superior Court,
 33 Law Division, Special Civil Part.

34 (cf: N.J.S.22A:2-43)

35 ¹[270.] 273. ¹ N.J.S.22A:3-4 is amended to read as follows:

36 22A:3-4. Fees for criminal proceedings

37 The fees provided in the following schedule, and no other
 38 charges whatsoever, shall be allowed for court costs in any
 39 proceedings of a criminal nature in the [special civil part, Law
 40 Division, Superior Court,] municipal courts[, park police courts,]
 41 or other [inferior courts of limited criminal jurisdiction], but no
 42 charge shall be made for the services of any salaried police
 43 officer of the State, county or municipal police.

44 COURT

45 For violations of Title 39 of the Revised Statutes, or of traffic
 46 ordinances, at the discretion of the court, up to but not exceeding
 47 \$15.00.

48 For all other cases, at the discretion of the court, up to but not
 49 exceeding \$25.00.

1 The provisions of this act shall not prohibit the taxing of
2 additional costs when authorized by R.S.39:5-39.

3 For certificate of judgment\$4.00
4 For certified copy of paper filed with the court as a public
5 record:

6 First page\$4.00
7 Each additional page or part thereof\$1.00

8 For copy of paper filed with the court as a public record:

9 First page\$2.00
10 Each additional page or part thereof\$1.00

11 In addition to any fine imposed, when a supplemental notice is
12 sent for failure to appear on a return date the cost shall be
13 \$10.00 per notice, unless satisfactory evidence is presented to the
14 court that the notice was not received.

15 ~~CONSTABLES OR OTHER OFFICERS~~

16 From the fees allowed for court costs in the foregoing
17 schedule, the clerk of the court shall pay the following fees to
18 constables or other officers:

19 Serving warrant or summons, \$1.50.
20 Serving every subpoena, \$0.70.
21 Serving every execution, \$1.50.
22 Advertising property under execution, \$0.70.
23 Sale of property under execution, \$1.00.
24 Serving every commitment, \$1.50.
25 Transport of defendant, actual cost.

26 Mileage, for every mile of travel in serving any warrant,
27 summons, commitment, subpoena or other process, computed by
28 counting the number of miles in and out, by the most direct route
29 from the place where such process is returnable, exclusive of the
30 first mile, \$0.20.

31 If defendant is found guilty of the charge laid against him, he
32 shall pay the costs herein provided, but if, on appeal, the
33 judgment is reversed, the costs shall be repaid to defendant. If
34 ~~defendant is found not guilty of the charge laid against him, the~~
35 costs shall be paid by the prosecutor, except when the Director of
36 the Division of Motor Vehicles, a peace officer, or a police
37 officer shall have been prosecutor.

38 (cf: P.L.1987, c.114, s.1)

39 ~~1[271.] 274. N.J.S.22A:4-6 is amended to read as follows:~~

40 22A:4-6. For attending, by deputy or in person, the daily
41 sessions of the Law Division of the [County Court, and of the]
42 Superior Court held in the county, the county clerk shall receive
43 per day three dollars (\$3.00).

44 (cf: N.J.S.22A:4-6)

45 ~~1[272.] 275. N.J.S.22A:4-8 is amended to read as follows:~~

46 22A:4-8. For the services hereinafter enumerated sheriffs and
47 other officers shall receive the following fees:

48 In addition to the mileage allowed by law, for serving every
49 summons and complaint, attachment or any mesne process issuing

1 out of the Superior Court [or County Court], the sheriff or other
 2 officer serving such process shall, for the first defendant or party
 3 on whom such process is served, be allowed \$12.00 and, for
 4 service on the second defendant named therein, \$10.00, and for
 5 serving such process on any other defendant or defendants named
 6 therein, \$6.00 each, and no more. If a man and his wife be named
 7 in such process they shall be considered as one defendant, except
 8 where they are living separate and apart.

9 Serving summons and complaint in matrimonial actions, in
 10 addition to mileage, \$12.00.

11 Serving capias ad respondendum, capias ad satisfaciendum,
 12 warrant of commitment, writ of ne exeat, in addition to mileage,
 13 \$35.00.

14 Serving order to summon juries and return, \$1.75.

15 Serving every execution against goods or lands and making an
 16 inventory and return, in addition to mileage, \$35.00.

17 For returning every writ, \$1.00.

18 Executing every writ of possession and return, in addition to
 19 mileage, \$35.00.

20 Executing every writ of attachment, sequestration or replevin
 21 issuing out of any of the courts, in addition to mileage, \$35.00.

22 For serving each out-of-State paper, in addition to the mileage
 23 allowed by law, \$15.00 for the first defendant on whom such
 24 paper is served, \$10.00 for service on the second defendant
 25 named therein, and \$6.00 for serving such paper on any other
 26 defendant or defendants named therein. If a man and wife be
 27 named in such paper, they shall be considered as one defendant,
 28 except where they are living separate and apart.

29 For serving or executing any process or papers where mileage
 30 is allowed by law, the officer shall receive mileage actually
 31 traveled to and from the courthouse, at the rate per mile of
 32 \$0.16.

33 The sheriff shall be entitled to retain out of all moneys
 34 collected or received by him on a forfeited recognizance,
 35 whether before or after execution, or from amercements, or
 36 from fines and costs on conviction, on indictment or otherwise,
 37 whether such moneys are payable to the State or to the county
 38 treasurer of the county wherein conviction was had, 5%.

39 For transporting each offender to the State Prison, per mile,
 40 but not less than \$3.00 for each offender, to be certified by the
 41 keeper of the prison and the certificate to be delivered to the
 42 county treasurer of the county where the conviction was had,
 43 \$0.23.

44 EXECUTION SALES

45 When a sale is made by virtue of an execution the sheriff shall
 46 be entitled to charge the following fees: On all sums not
 47 exceeding \$5,000.00, 4%; on all sums exceeding \$5,000.00 on
 48 such excess, 2 1/2 %; the minimum fee to be charged for a sale
 49 by virtue of an execution, \$20.00.

1 ~~On an execution against wages, commissions and salaries, the~~
2 ~~sheriff shall charge the same percentage fees on all sums~~
3 ~~collected as those percentage fees applicable in cases wherein an~~
4 ~~execution sale is consummated.~~

5 When the execution is settled without actual sale and such
6 settlement is made manifest to the officer, the officer shall
7 receive 1/2 of the amount of percentage allowed herein in case
8 of sale.

9 Making statement of execution, sales and execution fees,
10 \$5.00.

11 Advertising the property for sale, provided the sheriff or
12 deputy sheriff attend in pursuance of the advertisement, \$10.00.

13 Posting property for sale, \$7.00.

14 ~~For the crier of the vendue, when the sheriff proceeds to sell,~~
15 ~~for every day he shall be actually employed in such sale, \$3.00.~~

16 ~~Every adjournment of a sale, but no more than one adjournment~~
17 ~~shall be allowed, and if the sheriff shall have several executions~~
18 ~~against a defendant, he shall only be allowed for advertising,~~
19 ~~attending and adjourning, as if he had but one execution, \$20.00.~~

20 Drawing and making a deed to a purchaser of real property,
21 \$35.00.

22 Drawing and making a bill of sale to the purchaser of personal
23 property when such bill of sale is required or demanded, \$15.00.

24 ~~When more than one execution shall be issued out of the~~
25 ~~Superior Court upon any judgment, each sheriff to whom such~~
26 ~~execution shall be directed and delivered shall be entitled to~~
27 ~~collect and receive from the defendant named in such execution~~
28 ~~the fees allowed by law for making a levy and return and~~
29 ~~statement thereon, or for such other services as may be actually~~
30 ~~performed by him, and the sheriff who shall collect the amount~~
31 ~~named in said execution or any part thereof, shall be entitled to~~
32 ~~the legal percentage upon whatever amount may be so collected~~
33 ~~by him, but in case any such judgment shall be settled between~~
34 ~~the parties and the amount due thereon shall not be collected by~~
35 ~~either sheriff, then the percentage on the amount collected which~~
36 ~~would be due the sheriff thereon in case only one execution had~~
37 ~~been issued shall be equally divided among the several sheriffs in~~
38 ~~whose hands an execution in the same cause may have been~~
39 ~~placed.~~

40 ~~The sheriff shall file his taxed bill of costs with the clerk of~~
41 ~~the court out of which execution issued, within such time as the~~
42 ~~court shall direct by general rule or special order, or, in default~~
43 ~~thereof, he shall not be entitled to any costs. If any sheriff shall~~
44 ~~charge in such bill of costs for services not done, or allowed by~~
45 ~~law, or shall take any greater fee or reward for any services by~~
46 ~~him done than is or shall be allowed by law, he shall be liable for~~
47 ~~the damages sustained by the party aggrieved including a penalty~~
48 ~~of \$30.00, to be recovered in a summary manner, in the action or~~
49 ~~proceeding wherein the execution was issued or otherwise.~~

50 (cf: P.L.1979, c.190, s.1)

1 ¹[273.] 276.¹ N.J.S.22A:4-17 is amended to read as follows:

2 22A:4-17. All fees, costs, allowances, percentages and other
3 perquisites of whatever kind which surrogates, county clerks in
4 their several capacities, registers of deeds and mortgages, and
5 sheriffs or persons employed in their offices are entitled to
6 charge and receive for any official acts or services they may
7 render shall be for the sole use of the county and shall be
8 accounted for regularly to the county treasurer.

9 Such accounting shall be made on or before the fifteenth day of
10 each month on form blanks supplied by the county treasurer.
11 The statement of account shall clearly set forth all sums charged
12 or taxed or which shall have accrued or become payable during
13 the preceding month. Such statements shall be made under oath
14 and filed in the office of the county treasurer as public records.

15 Such statements when received by the county treasurer shall be
16 forthwith audited by the county auditor or other proper officer.

17 On or before the twentieth day of each month surrogates,
18 county clerks, registers of deeds and mortgages, and sheriffs shall
19 pay over the amount of such fees and moneys to the county
20 treasurer and such officers shall be personally liable to the
21 county for such fees and moneys.

22 The penalty for each day's neglect to file the required
23 statement of account or to pay over such moneys shall be one
24 hundred dollars (\$100.00) to be recovered in the name of the
25 board of chosen freeholders of the county in a civil action in the
26 [County Court of the county or the] Superior Court, and said
27 officers may also be proceeded against by proceeding in lieu of
28 prerogative writ.

29 (cf: N.J.S.22A:4-17)

30 ¹[274.] 277.¹ N.J.S.22A:4-19 is amended to read as follows:

31 22A:4-19. Surrogates, registers of deeds and mortgages, county
32 clerks, clerks of courts, sheriffs and the Secretary of State, for
33 their own protection, may exact in advance of a service the fees
34 and costs therefor.

35 For convenience, such officers may receive reasonable deposits
36 in advance to meet the fees and costs of persons who may desire
37 such services, except that sheriffs[,] and the Clerk of the
38 Superior Court [and the clerks of the County and county district
39 courts] shall be required so to do. Such officers shall account to
40 depositors at least once in 4 months for the sums deposited,
41 except that the Clerk of the Supreme Court, the Clerk of the
42 Superior Court, [the clerks of the County and county district
43 courts,] sheriffs, and the Secretary of State shall so account at
44 least annually.

45 The Secretary of State shall provide for the establishment of
46 accounts for persons making application therefor, under such
47 terms and conditions as may be fixed by the Secretary of State.

48 (cf: P.L.1978, c.146, s.1)

49 ¹[275.] 278.¹ Section 10 of P.L.1973, c. 309 (C.23:2A-10) is

1 amended to read as follows:

2 10. a. If any person violates any of the provisions of this act or
3 any rule, regulation or order promulgated pursuant to the
4 provisions of this act, the department may institute a civil action
5 in a court of competent jurisdiction for injunctive relief to
6 prohibit and prevent such violation or violations and the said
7 court may proceed in the action in a summary manner.

8 b. Any person who violates the provisions of this act or any
9 rule, regulation or order promulgated pursuant to this act shall be
10 liable to a penalty of not less than \$100.00 and not more than
11 \$3,000.00 for each offense, to be collected in a civil action by a
12 summary proceeding under the Penalty Enforcement Law
13 (N.J.S.2A:58-1 et seq.) or in any case before a court of
14 competent jurisdiction wherein injunctive relief has been
15 requested. Penalties recovered for violations hereof shall be
16 remitted as provided in R.S.23:10-19. The Superior Court[,] and
17 municipal court [and county district court] shall have jurisdiction
18 to enforce said Penalty Enforcement Law. If the violation is of
19 a continuing nature, each day during which it continues shall
20 constitute an additional, separate and distinct offense.

21 c. The department is hereby authorized and empowered to
22 compromise and settle any claim for a penalty under this section
23 in such amount in the discretion of the department as may appear
24 appropriate and equitable under all of the circumstances.
25 (cf: P.L.1979, c.385, s.1)

26 ¹[276.] 279.¹ Section 73 of P.L.1979, c.199 (C.23:2B-14) is
27 amended to read as follows:

28 73. For purposes of this section, the "act" means and includes
29 all the new sections and amended sections contained herein, all
30 the remaining sections of Title 50 of the Revised Statutes,
31 sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51, 23:3-52,
32 23:5-9, 23:5-16, 23:5-35, 23:9-114, 23:9-115 and 23:9-120 of
33 Title 23 of the Revised Statutes, sections 1, 2, 3 and 7 of
34 P.L.1938, c. 318 (C.23:5-5.1 through 23:5-5.3 and 23:5-5.7),
35 P.L.1952, c.216 (C.23:5-5.1a), and sections 1, 2, and 3 of
36 P.L.1941, c.211 (C.23:5-24.1 to 23:5-24.3).

37 The commissioner may utilize any or all of the following
38 remedies for any violation of this act:

39 a. (1) Any person who violates the provisions of this act or of
40 any rule, regulation, license or permit promulgated or issued
41 pursuant to this act shall be liable to a penalty of not less than
42 \$100.00 or more than \$3,000.00 for the first offense and not less
43 than \$200.00 or more than \$5,000.00 for any subsequent offense,
44 unless the commissioner has established an alternate penalty for
45 a specific offense pursuant to subsection a. (2) of this section.

46 (2) The Commissioner of Environmental Protection, with the
47 approval of the Marine Fisheries Council, may, by regulation,
48 establish a penalty schedule for any specific violation of this act
49 or of any rule or regulation promulgated pursuant to this act. No

1 such penalty may be less than \$10.00 or more than \$100.00 on
2 the first offense or less than \$20.00 or more than \$200.00 on any
3 subsequent offense. Any penalty provided for by this act or by
4 the fee schedule promulgated by the commissioner shall be
5 collected in a civil action by a summary proceeding under the
6 penalty enforcement law (N.J.S.2A:58-1 et seq.). The Superior
7 Court or any [County Court, county district court or] municipal
8 court shall have jurisdiction to enforce said penalty enforcement
9 law. If the violation is of a continuing nature, each day during
10 which it continues shall constitute an additional, separate and
11 distinct offense.

12 b. Any person who violates the provisions of this act or any rule
13 or regulation or any license or permit promulgated or issued
14 pursuant to this act shall be liable to the revocation of any
15 license which he holds pursuant to this act for such period of time
16 as the court may choose.

17 c. If any person violates any of the provisions of this act, or
18 any rule or regulation or any license or permit promulgated or
19 issued pursuant to the provisions of this act, the department may
20 institute a civil action in a court of competent jurisdiction for
21 injunctive relief to prohibit and prevent such violation or
22 violations and the said court may proceed in the action in a
23 summary manner.

24 The department is hereby authorized and empowered to
25 compromise and settle any claim for a penalty under this section
26 in such amount in the discretion of the department as may appear
27 appropriate and equitable under all of the circumstances.

28 d. In addition to the penalties prescribed by this section, a
29 person violating the provisions of R.S.50:4-3 shall be subject to
30 the forfeiture of any vessel or equipment used in the commission
31 of the violation. A designated enforcement officer of the
32 Department of Environmental Protection, the marine police, or
33 any other law enforcement officer may seize and secure any
34 vessel or equipment used in the commission of such a violation.
35 Upon the seizure of the vessel or equipment, the enforcement
36 officer, member of the marine police, or other law enforcement
37 officer shall immediately thereafter institute a civil action to
38 determine if the forfeiture is warranted in the court in which the
39 penalty action was filed pursuant to this section, which court
40 shall have jurisdiction to adjudicate the forfeiture action. The
41 owner or any person having a security interest in the vessel or
42 equipment may secure a release of the same by depositing with
43 the clerk of the court in which the action is pending a bond with
44 good and sufficient sureties in an amount to be fixed by the
45 court, conditioned upon the return of the vessel or equipment to
46 the Department of Environmental Protection upon demand after
47 completion of the court proceeding. The court may proceed in a
48 summary manner and may direct the confiscation of the vessel or
49 equipment by the department for its use or for disposal by sale

1 or public auction. Moneys collected by the department through
2 the sale or public auction of the vessel or equipment shall be used
3 by the Division of Fish, Game and Wildlife for the enforcement of
4 the provisions of this act.

5 (cf: P.L.1983, c.219, s.1)

6 ¹[277.] 280.¹ R.S.23:5-28 is amended to read as follows:

7 23:5-28. No person shall put or place into, turn into, drain into,
8 or place where it can run, flow, wash or be emptied into, or
9 where it can find its way into any of the fresh or tidal waters
10 within the jurisdiction of this State any petroleum products,
11 debris, hazardous, deleterious, destructive or poisonous
12 substances of any kind; provided, however, that the use of
13 chemical by any State, county or municipal government agency in
14 any program of mosquito or other pest control or the use of
15 chemical by any person on agricultural, horticultural or forestry
16 crops, or in connection with livestock, or aquatic weed control or
17 structural pest and rodent control, in a manner approved by the
18 State Department of Environmental Protection or discharges
19 from facilities for the treatment, or the disposal of sewage or
20 other wastes in a manner which conforms to rules and regulations
21 promulgated by the State Department of Environmental
22 Protection, shall not constitute a violation of this section. In
23 case of pollution of said waters by any substances injurious to
24 fish, birds or mammals, it shall not be necessary to show that the
25 substances have actually caused the death of any of these
26 organisms. A person violating this section shall be liable to a
27 penalty of not more than \$6,000 for each offense, to be collected
28 in a summary proceeding under the Penalty Enforcement Law
29 (N.J.S.2A:58-1 et seq.), and in any case before a court of
30 competent jurisdiction wherein injunctive relief has been
31 requested. The Superior Court[, County Court, and county
32 district court] shall have jurisdiction to enforce said Penalty
33 Enforcement Law. If the violation is of a continuing nature, each
34 day during which it continues shall constitute an additional,
35 separate and distinct offense. The department is hereby
36 authorized and empowered to compromise and settle any claim
37 for a penalty arising under this section in such amount in the
38 discretion of the department as may appear appropriate and
39 equitable under all of the circumstances. The department may
40 institute a civil action in a court of competent jurisdiction for
41 injunctive relief to prohibit and prevent any person from
42 violating the provisions of this section and said court may
43 proceed in the action in a summary manner.

44 (cf: P.L.1971, c.173, s.11)

45 ¹[278.] 281.¹ R.S.23:7-2 is amended to read as follows:

46 23:7-2. A person violating the provisions of [section] R.S.23:7-1
47 [of this Title] may be arrested without warrant by the owner,
48 occupant, lessee, ²[licensee]² or ²[an] any police² officer ²[of the
49 law]² and taken for trial before [any county district court] ²[the]

1 any² Superior Court or municipal court which shall have
2 jurisdiction to try such offender ²[and pronounce sentence]².

3 In a prosecution ²in a court of competent jurisdiction² for
4 violation hereof, the failure of the defendant to produce ²[a]²
5 written ²[permit] permission² to hunt ²[and],² fish ², trap, or
6 take wildlife, as the case may be,² on the lands on which he is
7 charged with trespassing, signed by the owner, occupant, ²or²
8 lessee ²[or licensee]² thereof shall be prima facie proof that he
9 was forbidden so to trespass.

10 (cf: P.L.1990, c.29, s.5)

11 ¹[279.] 282.¹ R.S.23:10-2 is amended to read as follows:

12 23:10-2. [Every county district court] The Superior Court and
13 municipal court, hereinafter in this chapter referred to as the
14 "court," shall, except as otherwise specifically provided, have
15 jurisdiction to try and punish any person violating any provision of
16 this Title; any provision of any law supplementary thereto or any
17 provision of the State Fish and Game Code, and every penalty
18 prescribed for such violation may be enforced and recovered
19 before such court in a summary proceeding in accordance with
20 the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.) either in
21 the county or municipality where the offense is committed or
22 where the offender is first apprehended or where he may reside.

23 (cf: P.L.1953, c.23, s.6)

24 ¹[280.] 283.¹ R.S.23:10-21 is amended to read as follows:

25 23:10-21. A person found using a seine, gill, drift, anchor or
26 sink net, fixed net, trap, pot, pound, set line, fyke, weir or other
27 apparatus for the taking of fish in any waters of this State in
28 violation of this Title, or any provision of any law supplementary
29 thereto, or any provision of the State Fish and Game Code shall,
30 in addition to the penalties prescribed, forfeit the same.

31 All constables, sheriffs, fish and game wardens and the fish and
32 game protector shall, and any other person may, seize and secure
33 the same, and shall immediately thereafter institute a proceeding
34 for the confiscation thereof in [a county district court of the
35 county wherein,] the Superior Court or in the municipal court
36 within the jurisdiction of which, the seizure is made. The court
37 may proceed in a summary manner and may make direct
38 confiscation and forfeiture of the same to the division's use,
39 which division may dispose thereof at its discretion.

40 (cf: P.L.1953, c.23, s.17)

41 ¹[281.] 284.¹ R.S.24:4-2 is amended to read as follows:

42 24:4-2. The [County Court, or county district court] Superior
43 Court or municipal court having jurisdiction in the [county or]
44 municipality, as the case may be, in which such food, drug,
45 cosmetic or device is found shall have jurisdiction to hear and
46 determine such proceeding.

47 (cf: P.L.1953, c.24, s.3)

48 ¹[282.] 285.¹ R.S.24:17-5 is amended to read as follows:

49 24:17-5. Except as otherwise specifically provided, any and all

1 penalties prescribed by any provision of this subtitle shall be
2 sued for and recovered in a civil action by and in the name of the
3 State Department of Health, or by and in the name of the local
4 board of health, as the case may be, as plaintiff.

5 Jurisdiction of proceedings to collect such penalties is vested
6 in the [County Court, the county district court] Superior Court
7 and the municipal court in any [county or] municipality where the
8 defendant may be apprehended or where he may reside. Process
9 shall be either a summons or warrant and shall be prosecuted in a
10 summary manner pursuant to the Penalty Enforcement Law
11 (N.J.S.2A:58-1 et seq.).

12 (~~cf. P.L.1966, c.74, s.28~~)

13 ~~1[283.] 286.~~¹ Section 7 of P.L.1975, c.305 (C.26:2B-13) is
14 amended to read as follows:

15 7. The department is hereby authorized, empowered and
16 directed under this act to:

17 a. Plan, construct, cause to be established, and maintain such
18 facilities as may be necessary or desirable for the conduct of its
19 program;

20 ~~b. Acquire, hold, and dispose of real property;~~

21 c. ~~Acquire by purchase or otherwise, on such terms and~~
22 ~~conditions and in such manner as it may deem proper, or by the~~
23 ~~exercise of the power of eminent domain in accordance with the~~
24 ~~provisions of Title 20 of the Revised Statutes, and lease, hold and~~
25 ~~dispose of, real property or any interest therein, for the purposes~~
26 ~~of this act;~~

27 d. ~~Make and enter into all contracts and agreements necessary~~
28 ~~or incidental to the performance of its duties and the execution~~
29 ~~of its powers under this act; including, but not limited to,~~
30 ~~contracts with government departments and public and private~~
31 ~~agencies and facilities to pay them for services actually~~
32 ~~rendered or furnished to alcoholics or intoxicated persons, at~~
33 ~~rates to be established pursuant to law.~~

34 e. ~~Solicit and accept for use in relation to the purposes of this~~
35 ~~act any gift of money or property made by will or otherwise, and~~
36 ~~any grant or loan of money, services or property from the Federal~~
37 ~~Government, the State or any political subdivision thereof, or any~~
38 ~~private source, and do all things necessary to cooperate with the~~
39 ~~Federal Government or any of its agencies in connection with the~~
40 ~~application for any such grant or loan; provided, however, that~~
41 ~~any money received under this subsection shall be deposited with~~
42 ~~the State Treasurer to be kept in a separate fund in the treasury~~
43 ~~for expenditure by the department in accordance with the~~
44 ~~conditions of the gift, loan or grant without specific~~
45 ~~appropriation.~~

46 f. Develop, encourage and foster Statewide, regional and local
47 plans and programs for the prevention, detection, and treatment
48 of alcoholism in cooperation with interested public agencies and
49 private organizations and individuals and provide technical

1 assistance and consultation services for these purposes;

2 g. Coordinate the efforts and enlist the assistance of all public
3 agencies and private organizations and individuals interested in
4 the prevention, detection, and treatment of alcoholism;

5 h. Cooperate with the Department of Human Services in
6 establishing and conducting a program for the prevention and
7 treatment of alcoholism in penal institutions.

8 i. Cooperate with police academies, nursing and medical
9 schools, public agencies and private organizations and individuals
-10 in establishing programs for the prevention and treatment of
-11 intoxication and alcoholism among juveniles and young adults;

12 j. Prepare, publish and disseminate educational materials
13 dealing with the prevention, nature and effects of alcoholism and
14 the benefits of treatment;

15 k. Develop and implement an ongoing system of collecting,
16 analyzing and distributing statistics on the incidence and
17 prevalence of alcoholism, alcohol-related problems and alcohol
18 consumption among the citizens of New Jersey, with special
19 emphasis on youth. This system shall include, but is not limited
20 to, studies, surveys, random samplings and assessments, and use
21 as its sources the variety of public agencies and private
22 organizations concerned and connected with the subject,
23 including the Division of Motor Vehicles, the [juvenile and
24 domestic relations courts] Superior Court, Chancery Division,
25 Family Part, the youth bureaus, alcohol treatment programs,
26 hospitals and mental health centers, the schools, the police
27 departments, and the Division of Alcoholic Beverage Control.
28 ~~Special attention shall be given to the relationship of alcohol to~~
29 ~~automobile accidents, crime, delinquency and other social~~
30 ~~problems;~~

31 l. Encourage alcoholism prevention, detection, and treatment
32 programs in government and industry.

33 m. Organize and foster training programs for professional and
34 para-professional workers in the treatment of intoxicated persons
35 and alcoholics;

36 n. Approve and license public and private facilities in
37 accordance with section 8;

38 o. Promulgate rules and regulations for the exercise of its
39 powers and the performance of its duties under this act;

40 p. Do all other acts and things necessary or convenient to carry
41 out the powers expressly granted in this act.

42 (cf: P.L.1979, c. 452, s.2)

43 ¹[284.] 287.1 Section 17 of P.L.1975, c. 305 (C.26:2B-23) is
44 amended to read as follows:

45 17. The division shall establish and maintain, in cooperation
46 with the office of the Attorney General, the State, municipal and
47 local police, the courts, the department of correction, the
48 department of public welfare, and other public and private
49 agencies, a program for the education of police officers,

1 prosecuting attorneys, court personnel, judges of the [county and
2 superior courts] Superior Court, probation and parole officers,
3 correctional personnel, other law enforcement personnel, and
4 State welfare and vocational rehabilitation personnel, with
5 respect to the causes, effects, and treatment of intoxication and
6 alcoholism.

7 The division shall serve in a consulting capacity to such public
8 and private agencies and shall foster and coordinate a full range
9 of services which will be available for diagnosis, counseling and
10 treatment for alcoholism.

11 (cf: P.L.1975, c.305, s.17)

12 ¹[285.] 288.1 Section 4 of P.L.1977, c.237 (C.26:2H-35) is
13 amended to read as follows:

14 4. Any person, firm, association, partnership or corporation
15 who fails to file a statement as required by this act or willfully
16 files a false statement shall be liable to a penalty of not less than
17 \$10.00 nor more than \$100.00 for each day that such failure
18 continues or such false statement remains uncorrected. The
19 penalties prescribed and authorized by this act shall be recovered
20 in a summary civil proceeding brought in the name of the State in
21 the Superior Court [, a County Court or a county district court]
22 pursuant to the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.).
23 (cf: P.L.1977, c.237, s.4)

24 ¹[286.] 289.1 Section 4 of P.L.1980, c.170 (C.26:3-31.7) is
25 amended to read as follows:

26 4. Any landlord or his agent whose negligence or failure to act
27 results in municipal action pursuant to section 2 of this act shall
28 be liable to a civil penalty of not more than \$300.00 for each
29 affected dwelling unit in the residential property. Such penalty
30 shall be recoverable by the municipality in a civil action by a
31 summary proceeding under "the penalty enforcement law"
32 (N.J.S.2A:58-1 et seq.). Any action to collect or enforce any
33 such penalty shall be brought in the Superior Court [, county
34 district court] or municipal court. The amount of such penalty
35 shall be paid to the municipality to be used for general municipal
36 purposes.

37 (cf: P.L.1980, c.170, s.4)

38 ¹[287.] 290.1 R.S.26:3-59 is amended to read as follows:

39 26:3-59. [Any county district court] The Superior Court or any
40 municipal court may issue a warrant to search for any nuisance
41 affecting health. Such warrant may be issued according to the
42 practice of the court, upon the information and belief of any
43 officer or agent of the State Department of Health, or of any
44 local board of health that there is in any dwelling house, store,
45 stable or any building of any kind whatsoever any nuisance
46 affecting health or any person sick of any contagious or
47 infectious disease, or any condition of contagion or infection
48 which may have been caused by anyone recently sick of any such
49 disease in any such dwelling house or other place. The warrant

1 shall be directed to the sheriff of the county within which the
2 search is to be made, or to any constable, marshal, police officer,
3 or officer or agent of the local board having jurisdiction within
4 the place where such search is to be made.

5 (cf: P.L.1953, c.26, s.18)

6 ¹[288.] 291.1 R.S.26:4-37 is amended to read as follows:

7 26:4-37. In establishing quarantine for venereal disease, the
8 licensed health officer or the State Commissioner of Health, or
9 the authorized representative of either shall by notice in writing
10 define the restriction of the actions, behavior and movements of
11 the person or the place and the limits of the area within which
12 the person is to be quarantined. Such person while so quarantined
13 shall observe and obey said notice restricting his actions,
14 behavior and movements or remain within the place and area
15 defined by said health officer, director or representative in said
16 notice. The custodian, if any, of such person shall safely keep
17 and confine said person and said notice shall be sufficient warrant
18 and authorization therefor.

19 Whenever a licensed health officer or the State Commissioner
20 of Health or the authorized representative of either shall
21 quarantine any person for venereal disease under authority of this
22 article, he may also order the removal of such person to the place
23 and area within which the person is to be quarantined for
24 venereal disease, and the person shall proceed to such place at
25 the time and in the manner specified.

26 A licensed health officer or the State Commissioner of Health
27 or the authorized representative of either one of them may file a
28 complaint with any [county district court,] municipal court [or
29 county court] in the county or with the Superior Court against the
30 following persons:

31 a. Any person, who while quarantined for venereal disease fails,
32 refuses or neglects to observe and obey said notice restricting
33 his actions, behavior and movements, or to remain within the
34 place and area defined by said health officer, director or
35 representative or to proceed to a place for quarantine for
36 venereal disease at the time and in the manner specified by said
37 health officer, director or representative.

38 b. Any person who fails, refuses or neglects to submit to,
39 observe or obey the conditions of any commitment or to comply
40 with any order made by any [county district court, municipal]
41 court [or county court in the county] under authority of this
42 article.

43 c. Any of the persons included in section 26:4-36 of this
44 article.

45 If a warrant issues, it shall be directed to the sheriff or any
46 constable in the county, or any police officer.

47 The court shall determine the matter without a jury. If the
48 court finds that the person is one of those listed in this section
49 against whom a complaint may be filed, he may commit such

1 person to a State, county, or municipal hospital which will
 2 receive the person, or to any other place or institution suitable
 3 for and willing to receive the person for detention, examination,
 4 care and treatment, whether the hospital, place or institution be
 5 located within or without the county, or to the county jail or
 6 may make any order for the examination, care or treatment of
 7 said person which may be deemed proper under the
 8 circumstances.

9 The complaint, commitment, and all other papers relating to
 10 the case shall be impounded and shall not be open to public
 11 inspection, and hearings shall not be open to the public.

12 Any person committed under the provisions of this statute shall
 13 be held in the place to which committed until discharged by the
 14 court which heard the case [or by the county court of the county
 15 from which the person is committed] or by the Superior Court or
 16 by order of the Commissioner of the State Department of
 17 Health.

18 The local health officer having jurisdiction shall report to the
 19 State department any person quarantined for venereal disease, or
 20 upon whom a summons is served or against whom a warrant is
 21 issued under authority of this article except where the action is
 22 initiated by the State Commissioner of Health or his authorized
 23 representative.

24 (cf: P.L.1953, c.26, s.36)

25 ¹[289.] 292. Section 1 of P.L.1945, c.101 (C.26:4-49.7) is
 26 amended to read as follows:

27 1. When it appears to [any criminal judicial district court.] the
 28 Superior Court or to any municipal court [or county court in the
 29 county], from the evidence or otherwise, that any person coming
 30 before such court on any charge, may have a venereal disease in
 31 an infectious stage, it shall be the duty of such court to order the
 32 person to submit to a medical examination for venereal diseases,
 33 in a jail or at a hospital or clinic or by such physician as may be
 34 selected or appointed for the purpose, and if found to have a
 35 venereal disease in an infectious stage to submit to treatment in
 36 such jail, hospital or clinic or by such officer or to other
 37 treatment permitted under the medical practice act.

38 (cf: P.L.1953, c.26, s.38)

39 ¹[290.] 293. R.S.26:4-51 is amended to read as follows:

40 26:4-51. Whenever any person shall refuse to submit to an
 41 examination, or to furnish such specimens, the commissioner or
 42 the local board may apply to the [county court] Superior Court
 43 for an order requiring that he shall submit to examination and
 44 furnish the required specimens. The application shall set forth
 45 the particular infective agent with which the person is suspected
 46 to be infected, and the reasons why the examination is desired.

47 (cf: P.L.1953, c.26, s.39)

48 ¹[291.] 294. R.S.26:4-52 is amended to read as follows:

49 26:4-52. If it shall be found that any person is the carrier of

1 the infective agent of any such disease, and that he is unable or
 2 unwilling to conduct himself in such a manner as not to expose
 3 the public to danger of infection, the State Department or local
 4 board shall institute a proceeding of a criminal nature against the
 5 person in the [county court] Superior Court.

6 (cf: P.L.1953, s.26, s.40)

7 ¹[292.] 295.¹ R.S.26:4-57 is amended to read as follows:

8 26:4-57. Any person who shall disobey any order or judgment of
 9 the [county court] Superior Court made pursuant to this article
 10 shall be liable to a penalty of not more than one hundred dollars
 11 (\$100.00).

12 (cf: P.L.1953, c.26, s.45)

13 ¹[293.] 296.¹ R.S.26:6-21 is amended to read as follows:

14 26:6-21. If through the absence of the local registrar, or for
 15 other sufficient reason, it is impossible to obtain from the
 16 registrar a burial or removal permit in time for burial or
 17 removal, a judge of the [county court or a magistrate] Superior
 18 Court or of a municipal court in the county in which the death
 19 occurred, if he is satisfied that the death certificate is genuine,
 20 and that no permit can be obtained in time for burial or removal,
 21 shall issue an emergency burial or removal permit.

22 (cf: P.L.1953, c.26, s.51)

23 ¹[294.] 297.¹ R.S.26:6-22 is amended to read as follows:

24 26:6-22. The emergency burial or removal permit shall be
 25 issued in the following form:

26 ~~"It being impossible to obtain a burial or removal permit from~~
 27 the registrar of vital statistics on account of (state here the
 28 reason), I, a judge of the [County] Superior Court [of the County
 29 of] (or a [magistrate] judge of a municipal court of
 30 the of), do hereby grant this emergency permit for
 31 the burial or removal of , whose death has been duly certified to
 32 me."

33 The permit shall be dated and signed by the judge [or
 34 magistrate] and shall be given to the person delivering the
 35 certificate of death. The judge [or magistrate] shall, within 5
 36 days thereafter, transmit the certificate to the State registrar.
 37 The judge [or magistrate] shall be entitled to \$1.00 for the
 38 issuance of an emergency permit.

39 (cf: P.L.1965, c.78, s.14)

40 ¹[295.] 298.¹ Section 11 of P.L.1950, c.256 (C.26:7-21) is
 41 amended to read as follows:

42 11. The provisions of this act shall be enforced and all penalties
 43 for the violation thereof shall be recovered in accordance with
 44 the provisions of the Penalty Enforcement Law (1948) (P.L.1948,
 45 c.253), and of any act amendatory thereof and supplementary
 46 thereto, and in addition to the provisions and remedies therein
 47 contained, the following provisions and remedies shall be
 48 applicable in any proceeding brought for a penalty for a violation
 49 under the provisions of this act:

1 (a) The following courts shall have jurisdiction of such
2 proceeding in addition to those prescribed in said law, namely:
3 [county district courts] the Superior Court and municipal courts;

4 (b) The complaint in such proceeding may be made on information
5 and belief by any employee of the State Department of Health;

6 (c) A warrant may issue in lieu of summons in such proceeding;

7 (d) The hearing in such proceeding shall be without a jury;

8 (e) If the defendant in such proceeding shall fail to pay
9 forthwith the amount of any money judgment rendered against
10 him, the said defendant may be committed as provided in said
11 law;

12 (f) Such proceeding may be instituted on any day of the week or
13 on a Sunday or a holiday;

14 (g) Any sums received in payment of a money judgment entered
15 in such proceeding shall be remitted to the State Department of
16 Health;

17 (h) An appeal from any judgment entered in such proceeding
18 may be taken [to the county court of the county in which the
19 proceeding was had] in the manner provided [in said] by law.

20 (cf: P.L.1950, c.256, s.11)

21 ¹[296.] 299.¹ R.S.26:8-38 is amended to read as follows:

22 26:8-38. The birth of any child which has occurred or which
23 may hereafter occur and which is not recorded with the State
24 registrar as required by this chapter, may be recorded by filing a
25 certificate with the State registrar.

26 a. ~~Over the signature of the physician or midwife who attended~~
27 the birth or over the signature of the father or mother of the
28 child, or

29 b. When it is impossible to secure the signature of any of the
30 persons named, the certificate may be signed by any person who
31 has definite knowledge of the facts concerning the birth or by the
32 person whose birth is being reported; provided, substantiating
33 documentary proof is submitted and noted upon the certificate
34 by the person before whom the affidavit is taken.

35 In every case the certificate shall be accompanied by an
36 affidavit attesting the correctness of the information given
37 therein, which affidavit shall be a part of the record of the birth.
38 A copy of the affidavit shall accompany each certified copy of
39 any record of the birth issued by the State registrar.

40 The affidavit (1) if taken in New Jersey, shall be taken before a
41 Superior Court judge, [a judge of the County Court, a county
42 district court judge,] the State registrar or assistant State
43 registrar or vital statistics, an attorney at law, a county clerk or
44 a deputy county clerk of the county where the birth occurred or
45 where the person making the affidavit resides, or (2) if taken in
46 some other State of the United States or territory thereof or in
47 the District of Columbia shall be taken before a judge of any of
48 the United States courts, a judge of any court of record having
49 jurisdiction in the place where the affidavit is taken or any

1 attorney at law of New Jersey, or (3) if taken in any foreign
2 kingdom, State, nation or colony shall be taken before a public
3 ambassador, minister, consul, vice-consul, consular agent, charge
4 d'affaires or other representative of the United States for the
5 time being, to or at any such foreign kingdom, State, nation or
6 colony or any attorney at law of New Jersey; provided, however,
7 that the affidavit may be taken in New Jersey by any [secretary
8 or sergeant-at-arms of any Superior Court judge, or of any judge
9 of the County Court, or by the clerk or deputy clerk of a county
10 district court of the county where the birth occurred or where
11 the person making the affidavit resides] employee of the Superior
12 Court, if prior thereto, the Superior Court judge[, the judge of
13 the County Court or the county district court judge] shall have
14 ~~filed with the State registrar of vital statistics a certificate~~
15 ~~setting forth that such [secretary, sergeant-at-arms, clerk, or~~
16 ~~deputy clerk, as the case may be,] employee has been designated~~
17 ~~by him to take such affidavits, and all oaths, affirmations and~~
18 ~~affidavits required to be made or taken by this section or~~
19 ~~necessary or proper to be made or taken by this section may be~~
20 ~~made and taken before any such [secretary, sergeant-at-arms,~~
21 ~~clerk, or deputy clerk,] employee when so designated.~~

22 The State registrar or any local registrar may require proof of
23 the ~~correctness of the information in a certificate~~ and may
24 refuse to accept a certificate if said proof is not submitted.

25 Any person knowingly submitting a certificate pursuant to this
26 section containing incorrect particulars regarding a birth shall be
27 subject to a penalty of not more than \$500.00 to be recovered
28 with costs in summary proceeding in accordance with the penalty
29 enforcement law (N.J.S.2A:58-1 et seq.) in the name of the State
30 department.

31 (cf: P.L.1968, c.38, s.1)

32 ¹[297.] 300.¹ Section 3 of P.L.1942, c.95 (C.26:8-40.4) is
33 amended to read as follows:

34 3. Upon application by or on behalf of any such person and, if
35 he is of the supposed age of 12 years or over, upon notice to the
36 United States Attorney for the District of New Jersey, the
37 [County] Superior Court [or the juvenile and domestic relations
38 court, of the county in which such person was found or in which
39 he then resides] shall, if the person has not been guilty of any of
40 the acts set forth in section 4 of this act, determine the probable
41 date of the birth of the person and the place of his birth as the
42 place where he was found in this State. Thereafter such person
43 shall be presumed to have been born in this State at the time and
44 the place so determined, until he shall be shown not to have been
45 born in this State.

46 (cf: P.L.1966, c.43, s.1)

47 ¹[298.] 301.¹ R.S.26:8-69 is amended to read as follows:

48 26:8-69. Except as otherwise specifically provided in this
49 chapter and chapter 1 of Title 37 of the Revised Statutes, any

1 person who shall:

2 a. Fail or refuse to furnish correctly any information in his
3 possession; or

4 b. Willfully and knowingly furnish false information affecting
5 any certificate or record required by this chapter; or

6 c. Willfully alter, otherwise than is provided by article 6 of this
7 chapter (Sec. 26:8-48 et seq.), or willfully or knowingly falsify,
8 any certificate or record established by this chapter; or

9 d. Fail to fill out and transmit any certificate or record in the
10 manner required by this chapter; or

11 e. Being a local registrar, deputy registrar or subregistrar, shall
12 fail to perform his duty as required by this chapter and by the
13 directions of the State registrar thereunder; or

14 f. Violate any of the provisions of this chapter or fail to
15 discharge any duty required by this chapter-

16 Shall be subject to a penalty of not less than \$5.00 nor more
17 than \$50.00 for each first offense and not less than \$10.00 nor
18 more than \$100.00 for each subsequent offense.

19 Such penalties shall be recovered in a civil action in the name
20 of the State department or local board in any court of competent
21 jurisdiction.

22 ~~[Every county]~~ The Superior Court or municipal court shall
23 have jurisdiction over proceedings to enforce and collect any such
24 penalty, if the violation has occurred within the territorial
25 jurisdiction of the court. The proceedings shall be summary and
26 in accordance with the penalty enforcement law (N.J.S.2A:58-1
27 et seq.).

28 (cf: P.L.1965, c.78, s.78)

29 ¹[299.] 302.¹ R.S.26:10-18 is amended to read as follows:

30 26:10-18. Any person violating any of the provisions of this
31 article shall be liable to a penalty of not more than one hundred
32 dollars (\$100.00) for each offense, to be recovered in a civil
33 action before the Superior Court or a municipal court [or county
34 district court]; provided, the violation occurs within the
35 territorial jurisdiction of the court.

36 (cf: P.L.1953, c.26, s.62)

37 ¹[300.] 303.¹ Section 18 of P.L.1952, c.16 (C.27:12B-18) is
38 amended to read as follows:

39 18. (a) No vehicle shall be permitted to make use of any project
40 except upon the payment of such tolls as may from time to time
41 be prescribed by the Authority.

42 It is hereby declared to be unlawful for any person to refuse to
43 pay, or to evade or to attempt to evade the payment of such tolls.

44 (b) No vehicle shall be operated on any project carelessly or
45 recklessly, or in disregard of the rights or safety of others, or
46 without due caution or prudence, or in a manner so as to endanger
47 unreasonably or to be likely to endanger unreasonably persons or
48 property, or while the operator thereof is under the influence of
49 intoxicating liquors or any narcotic or habit-forming drug, nor

1 shall any vehicle be so constructed, equipped, lacking in
2 equipment, loaded or operated in such a condition of disrepair as
3 to endanger unreasonably or to be likely to endanger unreasonably
4 persons or property.

5 (c) A person operating a vehicle on any project shall operate it
6 at a careful and prudent speed, having due regard to the rights
7 and safety of others and to the traffic, surface and width of the
8 highway, and any other conditions then existing; and no person
9 shall operate a vehicle on any project at such a speed as to
10 endanger life, limb or property; provided, however, that it shall
11 be prima facie lawful for a driver of a vehicle to operate it at a
12 speed not exceeding a speed limit which is designated by the
13 Authority as a reasonable and safe speed limit, when appropriate
14 signs giving notice of such speed limit are erected at the
15 roadside or otherwise posted for the information of operators of
16 vehicles.

17 (d) No person shall operate a vehicle on any project at such a
18 slow speed as to impede or block the normal and reasonable
19 movement of traffic except when reduced speed is necessary for
20 safe operation thereof.

21 (e) No person shall operate a vehicle on any project in violation
22 of any speed limit designated by regulation adopted by the
23 Authority as hereinafter provided.

24 (f) All persons operating vehicles upon any project must at all
25 times comply with any lawful order, signal or direction by voice
26 or hand of any police officer engaged in the direction of traffic
27 upon such project. When traffic on a project is controlled by
28 traffic lights, signs or by mechanical or electrical signals, such
29 lights, signs and signals shall be obeyed unless a police officer
30 directs otherwise.

31 (g) All persons operating vehicles upon any project, or seeking
32 to do so, must at all times comply with regulations, not
33 inconsistent with the other sections of this act, adopted by the
34 Authority concerning types, weights and sizes of vehicles
35 permitted to use such project, and with regulations adopted by
36 the Authority for or prohibiting the parking of vehicles,
37 concerning the making of turns and the use of particular traffic
38 lanes, together with any and all other regulations adopted by the
39 Authority to control traffic and prohibit acts hazardous in their
40 nature or tending to impede or block the normal and reasonable
41 flow of traffic upon such project; provided, however, that prior to
42 the adoption of any regulation for the control of traffic on any
43 such project, including the designation of any speed limits, the
44 Authority shall investigate and consider the need for and
45 desirability of such regulation for the safety of persons and
46 property, including the Authority's property, and the contribution
47 which any such regulation would make toward the efficient and
48 safe handling of traffic and use of such project, and shall
49 determine that such regulation is necessary or desirable to

1 accomplish such purposes or one or some of them, and that upon
2 or prior to the effective date of any such regulation and during
3 its continuance, notice thereof shall be given to the drivers of
4 vehicles by appropriate signs erected at the roadside or otherwise
5 posted. The Authority is hereby authorized and empowered to
6 make, adopt and promulgate regulations referred to in this
7 section in accordance with the provisions hereof. Regulations
8 adopted by the Authority pursuant to the provisions of this
9 section shall insofar as practicable, having due regard to the
10 features of the project and the characteristics of traffic thereon,
11 be consistent with the provisions of Title 39 of the Revised
12 Statutes applicable to similar subjects. The Authority shall have
13 power to amend, supplement or repeal any regulation adopted by
14 it under the provisions of this section. No regulation and no
15 amendment or supplement thereto or repealer thereof adopted by
16 the Authority shall take effect until it is filed with the Secretary
17 of State, by the filing of a copy thereof certified by the secretary
18 of the Authority.

19 (h) The operator of any vehicle upon a project involved in an
20 accident resulting in injury or death to any person or damage to
21 any property shall immediately stop such vehicle at the scene of
22 the accident, render such assistance as may be needed, and give
23 his name, address, and operator's license and registration number
24 to the person injured and to any officer or witness of the injury
25 and shall make a report of such accident in accordance with law.

26 (i) No person shall transport in or upon any project, any
27 dynamite, nitroglycerin, black powder, fire works, blasting caps
28 or other explosives, gasoline, alcohol, ether, liquid shellac,
29 kerosene, turpentine, formaldehyde or other inflammable or
30 combustible liquids, ammonium nitrate, sodium chlorate, wet
31 hemp, powdered metallic magnesium, nitro-cellulose film,
32 peroxides or other readily inflammable solids or oxidizing
33 materials, hydrochloric acid, sulfuric acid, or other corrosive
34 liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium
35 cyanide, tear gas, lewisite or any other poisonous substances,
36 liquids or gases, or any compressed gas, or any radioactive
37 article, substance or material, at such time or place or in such
38 manner or condition as to endanger unreasonably or as to be
39 likely to endanger unreasonably persons or property.

40 (j) If the violation of any provision of this section or the
41 violation of any regulation adopted by the Authority under the
42 provisions of this section, would have been a violation of law or
43 ordinance if committed on any public road, street or highway in
44 the municipality in which such violation occurred, it shall be
45 tried and punished in the same manner as if it had been
46 committed in such municipality.

47 (k) Notwithstanding the provisions of paragraph (j) of this
48 section, if the violation within the State of the provisions of
49 paragraph (i) of this section shall result in injury or death to a

1 person or persons or damage to property in excess of the value of
2 five thousand dollars (\$5,000.00), such violation shall constitute a
3 high misdemeanor.

4 (l) Except as provided in paragraph (j) or (k) of this section,
5 any violation of any of the provisions of this section, including
6 but not limited to those regarding the payment of tolls, and any
7 violation of any regulation adopted by the Authority under the
8 provisions of this section shall be punishable by a fine not
9 exceeding two hundred dollars (\$200.00) or by imprisonment not
10 exceeding thirty days or by both such fine and imprisonment.
11 Such a violation shall be tried in a summary way and shall be
12 within the jurisdiction of and may be brought in the [county
13 district court, or any criminal judicial district court,] Superior
14 Court or municipal court [in the county] where the offense was
15 committed. The rules of the Supreme Court shall govern the
16 practice and procedure in such proceedings. Proceedings under
17 this section may be instituted on any day of the week, and the
18 institution of the proceedings on a Sunday or a holiday shall be no
19 bar to the successful prosecution thereof. Any process served on
20 a Sunday or a holiday shall be as valid as if served on any other
21 day of the week. When imposing any penalty under the provisions
22 of this paragraph the court having jurisdiction shall be guided by
23 the appropriate provisions of any statute fixing uniform penalties
24 for violation of provisions of the motor vehicle and traffic laws
25 contained in Title 39 of the Revised Statutes.

26 (m) In any prosecution for violating a regulation of the
27 Authority adopted pursuant to the provisions of this section
28 copies of any such regulation when authenticated under the seal
29 of the Authority by its secretary or assistant secretary shall be
30 evidence in like manner and equal effect as the original.

31 (n) No resolution or ordinance heretofore or hereafter adopted
32 by the governing body of any county or municipality for the
33 control and regulation of traffic shall be applicable to vehicles
34 while upon any project operated by the Authority.

35 (o) In addition to any punishment or penalty provided by other
36 paragraphs of this section, every registration certificate and
37 every license certificate to drive motor vehicles may be
38 suspended or revoked and any person may be prohibited from
39 obtaining a driver's license or a registration certificate and the
40 reciprocity privileges of a nonresident may be suspended or
41 revoked by the Director of the Division of Motor Vehicles for a
42 violation of any of the provisions of this section, after due notice
43 in writing of such proposed suspension, revocation or prohibition
44 and the ground thereof, and otherwise in accordance with the
45 powers, practice and procedure established by those provisions of
46 Title 39 of the Revised Statutes applicable to such suspension,
47 revocation or prohibition.

48 (p) Except as otherwise provided by this section or by any
49 regulation of the Authority made in accordance with the

1 provisions hereof, the requirements of Title 39 of the Revised
2 Statutes applicable to persons using, driving or operating vehicles
3 on the public highways of this State and to vehicles so used,
4 driven or operated shall be applicable to persons using, driving or
5 operating vehicles on any project and to vehicles so used, driven
6 or operated.

7 (cf: P.L.1952, c.16, s.18)

8 ¹[301.] 304.¹ Section 37 of P.L.1962, c.10 (C.27:12C-37) is
9 amended to read as follows:

10 37. (A) Except as otherwise provided in section 26 of this act,
11 no vehicle shall be permitted to make use of any project except
12 upon the payment of such tolls as may from time to time be
13 prescribed by the authority. It is hereby declared to be unlawful
14 for any person to refuse to pay, or to evade or to attempt to
15 evade the payment of such tolls.

16 (B) No vehicle shall be operated on any project carelessly or
17 recklessly, or in disregard of the rights or safety of others, or
18 without due caution or prudence, or in a manner so as to
19 endanger unreasonably or to be likely to endanger unreasonably
20 persons or property, or while the operator thereof is under the
21 influence of intoxicating liquors or any narcotic or habit-forming
22 drug, nor shall any vehicle be so constructed, equipped, lacking in
23 equipment, loaded or operated in such a condition of disrepair as
24 to endanger unreasonably or to be likely to endanger
25 unreasonably persons or property.

26 (C) A person operating a vehicle on any project shall operate it
27 at a careful and prudent speed, having due regard to the rights
28 and safety of others and to the traffic, surface and width of the
29 highway, and any other conditions then existing; and no person
30 shall operate a vehicle on any project at such a speed as to
31 endanger life, limb or property; provided, however, that it shall
32 be prima facie lawful for a driver of a vehicle to operate it at a
33 speed not exceeding a speed limit which is designated by the
34 authority as a reasonable and safe speed limit, when appropriate
35 signs giving notice of such speed limit are erected at the roadside
36 or otherwise posted for the information of operators of vehicles.

37 (D) No person shall operate a vehicle on any project at such a
38 slow speed as to impede or block the normal and reasonable
39 movement of traffic except when reduced speed is necessary for
40 safe operation thereof.

41 (E) No person shall operate a vehicle on any project in violation
42 of any speed limit designated by regulation adopted by the
43 authority as hereinafter provided.

44 (F) All persons operating vehicles upon any project must at all
45 times comply with any lawful order, signal or direction by voice
46 or hand of any police officer engaged in the direction of traffic
47 upon such project. When traffic on a project is controlled by
48 traffic lights, signs or by mechanical or electrical signals, such
49 lights, signs and signals shall be obeyed unless a police officer

1 directs otherwise.

2 (G) All persons operating vehicles upon any project, or seeking
3 to do so, must at all times comply with regulations, not
4 inconsistent with the other sections of this act, adopted by the
5 authority concerning types, weights and sizes of vehicles
6 permitted to use such project, and with regulations adopted by
7 the authority for or prohibiting the parking of vehicles,
8 concerning the making of turns and the use of particular traffic
9 lanes, together with any and all other regulations adopted by the
10 authority to control traffic and prohibit acts hazardous in their
11 nature or tending to impede or block the normal and reasonable
12 flow of traffic upon such project; provided, however, that prior
13 to the adoption of any regulation for the control of traffic on
14 any such project, including the designation of any speed limits,
15 the authority shall investigate and consider the need for and
16 desirability of such regulation for the safety of persons and
17 property, including the authority's property, and the contribution
18 which any such regulation would make toward the efficient and
19 safe handling of traffic and use of such project, and shall
20 determine that such regulation is necessary or desirable to
21 accomplish such purposes or 1 or some of them, and that upon or
22 prior to the effective date of any such regulation and during its
23 continuance, notice thereof shall be given to the drivers of
24 vehicles by appropriate signs erected at the roadside or
25 otherwise posted. The authority is hereby authorized and
26 empowered to make, adopt and promulgate regulations referred
27 to in this section in accordance with the provisions hereof.
28 Regulations adopted by the authority pursuant to the provisions
29 of this section shall in so far as practicable, having due regard to
30 the features of the project and the characteristics of traffic
31 thereon and except as to maximum or minimum speed limits, be
32 consistent with the provisions of Title 39 of the Revised Statutes
33 applicable to similar subjects. The authority shall have power to
34 amend, supplement or repeal any regulation adopted by it under
35 the provisions of this section. No regulation and no amendment
36 or supplement thereto or repealer thereof adopted by the
37 authority shall take effect until it is filed with the Secretary of
38 State, by the filing of a copy thereof certified by the secretary of
39 the authority.

40 (H) The operator of any vehicle upon a project involved in an
41 incident resulting in injury or death to any person or damage to
42 any property shall immediately stop such vehicle at the scene of
43 the incident, render such assistance as may be needed, and give
44 his name, address, and operator's license and motor vehicle
45 registration number to the person injured and to any officer or
46 witness of the injury and shall make a report of such incident in
47 accordance with law.

48 (I) No person shall transport in or upon any project, any
49 dynamite, nitroglycerin, black powder, fire works, blasting caps

1 or other explosives, gasoline, alcohol, ether, liquid shellac,
2 kerosene, turpentine, formaldehyde or other inflammable or
3 combustible liquids, ammonium nitrate, sodium chlorate, wet
4 hemp, powdered metallic magnesium, nitro-cellulose film,
5 peroxides or other readily inflammable solids or oxidizing
6 materials, hydrochloric acid, sulfuric acid, or other corrosive
7 liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium
8 cyanide, tear gas, lewisite or any other poisonous substances,
9 liquids or gases, or any compressed gas, or any radioactive
10 article, substance or material, at such time or place or in such
11 manner or condition as to endanger unreasonably or as to be
12 likely to endanger unreasonably persons or property.

13 (J) If the violation of any provision of this section or the
14 violation of any regulation adopted by the authority under the
15 provisions of this section would have been a violation of law or
16 ordinance if committed on any public road, street or highway in
17 the municipality in which such violation occurred, it shall be
18 tried and punished in the same manner as if it had been
19 committed in such municipality.

20 (K) Notwithstanding the provisions of paragraph (J) of this
21 section, if the violation of the provisions of paragraph (I) of this
22 section shall result in injury or death to a person or persons or
23 damage to property in excess of the value of \$5,000.00, such
24 violation shall constitute a high misdemeanor.

25 (L) Except as provided in paragraph (J) or (K) of this section,
26 any violation of any of the provisions of this section, including
27 but not limited to those regarding the payment of tolls, and any
28 violation of any regulation adopted by the authority under the
29 provisions of this section shall be punishable by a fine not
30 exceeding \$200.00 or by imprisonment not exceeding 30 days or
31 by both such fine and imprisonment. Such a violation shall be
32 tried in a summary way and shall be within the jurisdiction of and
33 may be brought in the [county district court] Superior Court or
34 any municipal court [in the county] where the offense was
35 committed. Proceedings under this section may be instituted on
36 any day of the week, and the institution of the proceedings on a
37 Sunday or a holiday shall be no bar to the successful prosecution
38 thereof. Any process served on a Sunday or a holiday shall be as
39 valid as if served on any other day of the week. When imposing
40 any penalty under the provisions of this paragraph the court
41 having jurisdiction shall be guided by the appropriate provisions
42 of any statute fixing uniform penalties for violation of provisions
43 of the motor vehicle and traffic laws contained in Title 39 of the
44 Revised Statutes.

45 (M) In any prosecution for violating a regulation of the
46 authority adopted pursuant to the provisions of this section copies
47 of any such regulation when authenticated under the seal of the
48 authority by its secretary or assistant secretary shall be evidence
49 in like manner and equal effect as the original.

1 (N) No resolution or ordinance heretofore or hereafter adopted
2 by the governing body of any county or municipality for the
3 control and regulation of traffic shall be applicable to vehicles
4 while upon any project operated by the authority.

5 (O) In addition to any punishment or penalty provided by other
6 paragraphs of this section, every registration certificate and
7 every license certificate to drive motor vehicles may be
8 suspended or revoked and any person may be prohibited from
9 obtaining a driver's license or a registration certificate and the
10 reciprocity privileges of a nonresident may be suspended or
11 revoked by the Director of the Division of Motor Vehicles for a
12 violation of any of the provisions of this section, after due notice
13 in writing of such proposed suspension, revocation or prohibition
14 and the ground thereof, and otherwise in accordance with the
15 powers, practice and procedure established by the provisions of
16 Title 39 of the Revised Statutes applicable to such suspension,
17 revocation or prohibition.

18 (P) Except as otherwise provided by this section or by any
19 regulation of the authority made in accordance with the
20 provisions hereof, the requirements of Title 39 of the Revised
21 Statutes applicable to persons using, driving or operating vehicles
22 on the public highways of this State and to vehicles so used,
23 driven or operated shall be applicable to persons using, driving or
24 operating vehicles on any project and to vehicles so used, driven
25 or operated.

26 (cf: P.L.1962, c.10, s.37)

27 ¹[302.] 305.¹ R.S.27:17-4 is amended to read as follows:

28 27:17-4. Before entering upon the duties of his office each
29 commissioner shall take an oath to perform well and truly the
30 duties of his office to the best of his skill and ability, and shall
31 give a bond to the county, conditioned upon the faithful
32 performance of his duties, the amount of which shall be fixed and
33 the bond approved by a judge of the [County Court] Superior
34 Court. The oath and bond shall be filed in the office of the
35 county clerk.

36 (cf: P.L.1953, c.27, s.23)

37 ¹[303.] 306.¹ Section 10 of P.L.1951, c.264 (C.27:23-34) is
38 amended to read as follows:

39 10. Except as provided in sections eight and nine of this act,
40 any violation of any of the provisions hereof, including but not
41 limited to those regarding the payment of tolls, and any violation
42 of any regulation adopted by the Authority under the provisions
43 of this act shall be punishable by a fine not exceeding two
44 hundred dollars (\$200.00) or by imprisonment not exceeding thirty
45 days or by both such fine and imprisonment. Such a violation
46 shall be tried in a summary way and shall be within the
47 jurisdiction of and may be brought in the [county district court,
48 or any criminal judicial district court,] Superior Court or any
49 municipal court, or existing police, magistrate's or recorder's

1 court, in the county] where the offense was committed. The
2 rules of the Supreme Court shall govern the practice and
3 procedure in such proceedings. Proceedings under this section
4 may be instituted on any day of the week, and the institution of
5 the proceedings on a Sunday or a holiday shall be no bar to the
6 successful prosecution thereof. Any process served on a Sunday
7 or a holiday shall be as valid as if served on any other day of the
8 week.

9 When imposing any penalty under the provisions of this section
10 the court having jurisdiction shall be guided by the appropriate
11 provisions of any statute adopted at the current session of the
12 Legislature, or hereafter, fixing uniform penalties for violation of
13 certain provisions of the motor vehicle and traffic laws contained
14 in Title 39 of the Revised Statutes.

15 (cf: P.L.1951, c.264, s.10)

16 ¹[304.] 307. ¹ R.S.29:3-12 is amended to read as follows:

17 29:3-12. Revocation of registration by County Court

18 A person aggrieved by the registration of a hotel name or
19 designation by another person may bring an action in [a County]
20 Superior Court against such other person, and the court may
21 direct the revocation of such registration, if it be determined
22 that such other person has not the right to the use of such name
23 or designation because of the prior use thereof by another.

24 (cf: P.L.1953, c.28, s.2)

25 ¹[305.] 308. ¹ R.S.29:3-19 is amended to read as follows:

26 29:3-19. Civil actions for penalties for violations of this
27 chapter may be brought in the [county district court of the
28 county,] Superior Court or the municipal court of the
29 municipality wherein the violations occurred, both of which
30 courts are given jurisdiction to hear and determine such actions.

31 (cf: P.L.1953, c.28, s.3)

32 ¹[306.] 309. ¹ Section 4 of P.L.1967, c.95 (C.29:4-8) is amended
33 to read as follows:

34 4. Any person, organization or corporation violating any of the
35 provisions of this act shall be liable to a penalty of not less than
36 \$50.00 or more than \$100.00 for the first offense, and not less
37 than \$100.00 or more than \$250.00 for the second and each
38 subsequent offense.

39 [Every county district court] The Superior Court and municipal
40 court shall have jurisdiction of proceedings for the collection and
41 enforcement of a penalty imposed because of the violation,
42 within the territorial jurisdiction of the court, of any provision of
43 this act. The penalty shall be collected and enforced in a
44 summary proceeding pursuant to the Penalty Enforcement Law
45 (N.J.S.2A:58-1, et seq.). Process shall be either in the nature of
46 a summons or warrant and shall issue in the name of the State
47 upon the complaint of any person.

48 (cf: P.L.1967, c.95, s.4)

49 ¹[307.] 310. ¹ R.S.30:1-17 is amended to read as follows:

1 30:1-17. The rights and powers conferred upon the State board
2 and the commissioner by sections 30:1-14, 30:1-15 and 30:1-16 of
3 this Title, so far as they relate to the investigation of the
4 institutions and noninstitutional agencies enumerated therein may
5 be enforced by a civil action against the officer or board having
6 charge of the institution, brought in the [County Court of the
7 county in which the institution is situated, or the] Superior
8 Court. The court may proceed in the action in a summary
9 manner or otherwise.

10 If, in the opinion of the commissioner or the State board, any
11 matter with regard to the management or affairs of any such
12 institution or any inmate or person in any way connected with
13 either required legal investigation or action of any kind, notice
14 thereof may be given by the commissioner or the State board to
15 the county prosecutor of the county, and he shall thereupon make
16 inquiry and take such proceedings in the premises as he may deem
17 necessary and proper. It shall be the duty of the county
18 prosecutor when so required to furnish such legal assistance,
19 counsel or advice as the commissioner or the State board may
20 require in the discharge of his or its duties.

21 (cf: P.L.1971, c.384, s.13)

22 ¹[308.] 311.¹ Section 13 of P.L.1965, c.59 (C.30:4-25.1) is
23 amended to read as follows:

24 13. a. For the purpose of Title 30 of the Revised Statutes:

25 (1) "~~Eligible mentally retarded person~~" means a person who has
26 been declared eligible for admission to functional services of the
27 department.

28 (2) "~~Evaluation services~~" means those services and procedures
29 in the department by which eligibility for functional services for
30 the mentally retarded is determined and those services provided
31 by the department for the purpose of advising the court
32 concerning the need for guardianship of individuals over the age
33 of 18 who appear to be mentally deficient.

34 (3) "Functional services" means those services and programs in
35 the department available to provide the mentally retarded with
36 education, training, rehabilitation, adjustment, treatment, care
37 and protection.

38 (4) "Mental deficiency" or "mentally deficient" means that
39 state of mental retardation in which the reduction of social
40 competence is so marked that persistent social dependency
41 requiring guardianship of the person shall have been demonstrated
42 or be anticipated.

43 (5) "Mental retardation" or "mentally retarded" means a
44 significant subaverage general intellectual functioning existing
45 concurrently with deficits in adaptive behavior which are
46 manifested during the development period.

47 (6) "Residential services" means observation, examination,
48 care, training, treatment, rehabilitation and related services,
49 including community care, provided by the department to

1 patients who have been admitted or transferred to, but not
2 discharged from any residential functional service for the
3 mentally retarded.

4 b. ~~Application for admission of an eligible mentally retarded~~
5 ~~person to functional services of the department may be made~~
6 ~~under any of the following classes:~~

7 Class F. Application to the commissioner by the parent,
8 guardian or person or agency having care and custody of the
9 person of a minor or by the guardian of the person of a mentally
10 deficient adult;

11 Class G. Application to the commissioner by a mentally
12 retarded person over 18 years of age on his own behalf;

13 Class H. Application to the commissioner by a [juvenile court]
14 Superior Court, Chancery Division, Family Part having
15 jurisdiction over an eligible mentally retarded minor;

16 Class I. Application to the commissioner with an order of
17 commitment to the custody of the commissioner issued by a court
18 of competent jurisdiction during or following criminal process
19 involving the eligible mentally deficient person.

20 Application shall be made on such forms and accompanied by
21 such relevant information as may be specified from time to time
22 by the commissioner.

23 (cf: P.L.1987, c.116, s.25)

24 ¹[309.] 312.¹ Section 14 of P.L.1965, c.59 (C.30:4-25.2) is
25 amended to read as follows:

26 14. Application for determination of eligibility for functional
27 services for a person under the age of 21 years who is believed to
28 be mentally retarded may be made to the commissioner by:

29 1. his parent or guardian;

30 2. a child-caring agency, hospital, clinic, or other appropriate
31 agency, public or private, or by a physician having care of the
32 minor, provided the written consent of the parent or guardian or
33 the [Bureau of Children's Services] Division of Youth and Family
34 Services, under its care and custody program, has been obtained;
35 or

36 3. a [juvenile court] Superior Court, Chancery Division, Family
37 Part having jurisdiction over the minor.

38 Application for determination of eligibility for any person over
39 18 years of age for functional services may be made by:

40 a. a mentally retarded individual over 18 years of age on his
41 own behalf;

42 b. the guardian of the person of an adjudicated mentally
43 incompetent adult; or

44 c. any court of competent jurisdiction in which the issue of
45 mental deficiency may have arisen and which finds that it is in
46 the interest of the alleged mentally deficient person to determine
47 such eligibility.

48 (cf: P.L.1967, c.203, s.1)

49 ¹[310.] 313.¹ Section 17 of P.L.1965, c.59 (C.30:4-25.5) is

1 amended to read as follows:

2 17. Whenever an eligible mentally retarded minor is found to be
3 neglected or delinquent under any of the statutes of this State
4 pertaining to juvenile delinquency or to abandonment, abuse,
5 cruelty, or neglect of children, the [juvenile court] Superior
6 Court, Chancery Division, Family Part having jurisdiction may
7 accompany its application under Class H for admission of the
8 mentally retarded minor to functional services of the department
9 with an order placing the aforesaid minor under the care and
10 custody of the commissioner.

11 (cf: P.L.1965, c.59, s.17)

12 ¹[311.] 314. ¹R.S.30:4-65 is amended to read as follows:

13 30:4-65. Where, on final hearing, it appears that the patient is
14 possessed of real or personal property and no arrangements have
15 been made for the payment of his maintenance, and no action has
16 been instituted for the appointment of a guardian of his estate,
17 an action may be brought in the [County] Superior Court of the
18 county in which the proceeding for commitment is brought, and
19 and such court shall have power to appoint some competent person,
20 resident of this State, guardian of the estate during such
21 commitment.

22 ~~A guardian so appointed shall conserve the estate for the~~
23 ~~purpose of maintaining the patient in the institution in which he~~
24 ~~may be lawfully confined, and is authorized to pay such~~
25 ~~maintenance under the direction of the [County] Superior Court.~~
26 ~~He shall furnish a bond as guardian in double the amount of the~~
27 ~~estate, conditioned for the faithful performance of his duties as~~
28 ~~guardian. If the chief executive officer of the institution, or the~~
29 ~~county treasurer of the county in which the institution is~~
30 ~~located, is appointed guardian, he shall not be required to furnish~~
31 ~~bond and the [County] Superior Court is authorized to make~~
32 ~~necessary directions for payment for maintenance. The guardian~~
33 ~~shall be discharged after accounting, without advertising, upon~~
34 ~~the death or discharge of the patient from confinement.~~

35 (cf: P.L.1953, c.29, s.31)

36 ¹[312.] 315. ¹Section 3 of P.L.1938, c.239 (C.30:4-80.3) is
37 amended to read as follows:

38 3. The lien shall be filed with the clerk of the county or
39 register of deeds and mortgages, as the case may be, and shall
40 immediately attach to and become binding upon all real property
41 in the ownership of the patient or other persons chargeable under
42 said lien in the county wherein said lien is filed ~~[and shall have~~
43 ~~the force and effect of a money judgment of a County Court].~~

44 If it is believed that the patient or other persons chargeable
45 under said lien are the owners of real property within the State,
46 but the exact location of same is not known, then said liens may
47 be filed with the clerk of the Superior Court and shall become
48 binding upon all real property of the patient or other persons
49 chargeable under said lien wherever situate within the State.

50 (cf: P.L.1956, c.162, s.3)

1 ¹[313.] 316.¹ Section 2 of P.L.1946, c.306 (C.30:4-80.7) is
2 amended to read as follows:

3 2. Any person affected in any manner, whether directly or
4 indirectly, by any lien filed hereunder, and desiring to examine
5 into the validity thereof or the facts and circumstances
6 surrounding the entry thereof, may do so in an action brought in
7 the court wherein the judgment of commitment of the patient
8 was made. In the case of a voluntary patient, an action may be
9 brought in the [County] Superior Court [of the county wherein
10 such voluntary patient last resided]. The action shall be brought
11 against the institution claiming the lien, and the court may
12 proceed in the action in a summary manner or otherwise and
13 enter such judgment as it may deem appropriate.

14 Any person desiring to secure immediate discharge of any lien
15 may deposit with the court cash in sufficient amount to cover the
16 amount of the lien or post a bond in an amount and with sureties
17 to be approved by said court. Upon proper notice of this fact
18 being given to the institution claiming the lien, a satisfaction of
19 said lien shall be filed forthwith with the county clerk or register
20 of deeds and mortgages as the case may be.
21 (cf: P.L.1953, c.29, s.39)

22 ¹[314.] 317.¹ Section 1 of P.L.1953, c.268 (C.30:4-80.8) is
23 amended to read as follows:

24 1. Any person who has been, or shall be, committed, by order of
25 any court or by voluntary commitment, to any institution or
26 facility providing mental health services and who was, or shall
27 be, discharged from such institution or facility as recovered, or
28 whose illness upon discharge, or subsequent thereto, is
29 substantially improved or in substantial remission, may apply to
30 the court by which such commitment was made, or, if voluntarily
31 committed, to the [county court in the county in which the
32 person resides,] Superior Court by verified petition setting forth
33 the facts and praying for the relief provided for in this act.

34 (cf: P.L.1978, c.163, s.1)

35 ¹[315.] 318.¹ Section 1 of P.L.1979, c.441 (C.30:4-123.45) is
36 amended to read as follows:

37 a. This act shall be known and may be cited as the "Parole Act
38 of 1979."

39 b. In this act, unless a different meaning is plainly required:

40 (1) "Adult inmate" means any person sentenced as an adult to a
41 term of incarceration.

42 (2) "Juvenile inmate" means any person under commitment [by]
43 as a juvenile [court] delinquent pursuant to [subsection h. of
44 section 20 of P.L.1973, c.306 (C.2A:4-61h.) or by a family court
45 pursuant to] section 24 of P.L.1982, c.77 (C.2A:4A-44).

46 (3) "Parole release date" means that date certified by a
47 member of the board for release of an inmate after a review of
48 the inmate's case pursuant to section 11, 13 or 14 of this act.

49 (4) "Primary parole eligibility date" means that date

1 established for parole eligibility for adult inmates pursuant to
2 section 7 or 20 of this act.

3 (5) "Public notice" shall consist of lists including names of all
4 inmates being considered for parole, the county from which he
5 was committed and the crime for which he was incarcerated. At
6 least 30 days prior to parole consideration such lists shall be
7 forwarded to the prosecutor's office of each county, the
8 sentencing court, the office of the Attorney General, any other
9 criminal justice agencies whose information and comment may be
10 relevant, and news organizations.

11 (6) Removal for "cause" means such substantial cause as is
12 plainly sufficient under the law and sound public policy touching
13 upon qualifications appropriate to a member of the parole board
14 or the administration of said board such that the public interest
15 precludes the member's continuance in office. Such cause
16 includes, but is not limited to, misconduct in office, incapacity,
17 inefficiency and nonfeasance.

18 (cf: P.L.1985, c.44, s.1)

19 ¹[316.] 319.1 R.S.30:4-131 is amended to read as follows:

20 30:4-131. A person refusing or failing to obey a summons issued
21 pursuant to section 30:4-129 of this Title may, if application be
22 made to the [County] Superior Court [of the county in which the
23 hearing is to be held], be brought before such court and after
24 summary hearing may in the discretion of the court be held in
25 contempt of court for refusal or willful neglect to obey the
26 summons. Such contempt may be purged on such terms as the
27 court may impose.

28 (cf: P.L.1953, c.29, s.43)

29 ¹[317.] 320.1 R.S.30:4-157.5 is amended to read as follows:

30 30:4-157.5. For making copies of a complaint and commitment
31 under sections 30:4-157.1 [to 30:4-157.3] and 30:4-157.2 of this
32 Title, the court or the clerk thereof shall be entitled to the same
33 fees as are allowed by law for the original complaint and
34 commitment.

35 The fee for serving process shall be the same and shall be paid
36 in the same manner as for like services in criminal cases.

37 The sheriff, constable or officer executing a warrant of
38 commitment shall be entitled to a fee of five dollars (\$5.00)
39 besides the necessary traveling expenses for himself and the boy.

40 Other fees shall be the same as are allowed for similar services
41 in the [County] Superior Court, and all such fees shall be paid as
42 other fees are paid in criminal causes.

43 (cf: P.L.1953, c.29, s.47)

44 ¹[318.] 321.1 Section 89 of P.L.1965, c.59 (C.30:4-165.6) is
45 amended to read as follows:

46 89. Any mentally retarded person under the age of 18 years
47 who, on the effective date of this act, is receiving residential
48 functional services under order of commitment of any court shall
49 continue to receive residential care as if admitted under Class F

1 of this act, unless within 30 days of the effective date of this act
2 the commissioner shall apply to the [juvenile court of the county
3 from which such person was committed or to the juvenile court of
4 the county of which his parents or guardian, if any, are de facto
5 residents,] Superior Court, Chancery Division, Family Part for an
6 order of commitment to care and custody as provided herein.
7 Persons over the age of 18 for whom a guardian of the person has
8 been appointed and who are receiving residential functional
9 services shall be considered to have been admitted under Class F
10 of this act. Where no guardian has been appointed for a person
11 who is over the age of 18 who is receiving residential functional
12 services on the effective date of this act, the last prior order
13 issued with respect to him shall continue in force and effect for
14 1 year following the effective date of this act, unless prior to
15 that time either (1) the mentally retarded person has been
16 discharged or (2) a guardian of his person has been appointed, or
17 (3) application has been made by a court of competent
18 jurisdiction for his admission to care under Class I as provided
19 herein.

20 Any order for payment of maintenance issued under prior
21 provisions of Title 30 in effect on the effective date of this act
22 shall remain in force and effect.

23 (cf: P.L.1966, c.82, s.3)

24 ¹[319.] 322.¹ Section 2 of P.L.1957, c.90 (C.30:4-177.32) is
25 amended to read as follows:

26 2. The Department of [Institutions and Agencies] Human
27 Services therefore is authorized to establish, equip and maintain
28 facilities in various parts of the State for receiving and treating
29 juvenile delinquent probationers under circumstances where [a
30 juvenile court] the Superior Court, Chancery Division, Family
31 Part has directed, as a condition of probation of such offender
32 that he voluntarily submit to treatment and supervision, for a
33 period not to exceed 4 months, in a facility under direction,
34 control and supervision of said department.

35 (cf: P.L.1957, c.90, s.2)

36 ¹[320.] 323.¹ Section 4 of P.L.1946, c.118 (C.30:4A-4) is
37 amended to read as follows:

38 4. Any [county] court [or juvenile and domestic relations court]
39 or any agency of the State, or of any county or municipal
40 government, desiring to utilize the services of the diagnostic
41 center prior to the disposition of the case of any individual, may
42 do so upon application as herein provided. Any person requiring
43 diagnostic services, whether male, female, adult or minor, may
44 be admitted to the center under the terms of this act.

45 (cf: P.L.1953, c.29, s.48)

46 ¹[321.] 324.¹ Section 7 of P.L.1946, c.118 (C.30:4A-7) is
47 amended to read as follows:

48 7. If the person for whom the diagnosis is sought by any [county
49 or juvenile and domestic relations] court or agency of the State,

1 or of a county or municipal government, desiring to utilize the
2 services of the diagnostic center is not under confinement or
3 process of any nature whatsoever, then admission to the
4 diagnostic center shall be secured upon application to the
5 [County] Superior Court [for the juvenile and domestic relations
6 court if over eighteen years of age and to the juvenile and
7 domestic relations court if under eighteen years of age.] upon
8 forms to be provided by the Department of [Institutions and
9 Agencies] Human Services. The county adjuster shall be the
10 official in the county charged with the responsibility of assisting
11 with processing of such applications and shall perform functions
12 similar to those set forth in Title 30, Revised Statutes. In
13 connection with each such application, the court shall order a
14 hearing to be held, which may be in camera at the discretion of
15 the court. At least ten days' notice of the time, date and place
16 of such hearing shall be served upon the person, and if he be a
17 minor or incompetent, upon the parent, guardian, person standing
18 in loco parentis or person having custody and control of such
19 minor or incompetent. At such hearing, the court shall determine
20 whether the services of the diagnostic center shall be made
21 available to the said person and may order the confinement of
22 such person in the center for a period not to exceed ninety days
23 and shall cause a copy of said order of confinement to
24 accompany the said person to the center.

25 (cf: P.L.1953, c.29, s.49)

26 ¹[322.] 325.1 Section 8 of P.L.1946, c.118 (C.30:4A-8) is
27 amended to read as follows:

28 8. If the person for whom the diagnosis is sought is a minor
29 under the age of eighteen years and is within the jurisdiction of
30 the [juvenile and domestic relations court] Superior Court,
31 Chancery Division, Family Part, the said court may make an
32 order placing the said minor in the care and custody of the
33 diagnostic center for a period required for a complete diagnosis
34 and study, not in excess, however, of ninety days and shall cause
35 a copy of said order to accompany said minor to the center. In
36 such case no final commitment or disposition shall be made until
37 the coming in of the report of the diagnostic center. Such report
38 and any recommendation thereon shall not be binding upon the
39 said court but shall be for its guidance in the final disposition of
40 the matter consistent with the best interests of the welfare of
41 the said minor and the community.

42 (cf: P.L.1946, c.118, s.8)

43 ¹[323.] 326.1 Section 12 of P.L.1951, s.138 (C.30:4C-12) is
44 amended to read as follows:

45 12. Whenever it shall appear that the parent or parents,
46 guardian, or person having custody and control of any child within
47 this State is grossly immoral or unfit to be entrusted with the
48 care and education of such child, or shall fail to provide such
49 child with proper protection, maintenance and education, or is of

1 or of a county or municipal government, desiring to utilize the
2 services of the diagnostic center is not under confinement or
3 process of any nature whatsoever, then admission to the
4 diagnostic center shall be secured upon application to the
5 [County] Superior Court [for the juvenile and domestic relations
6 court if over eighteen years of age and to the juvenile and
7 domestic relations court if under eighteen years of age.] upon
8 forms to be provided by the Department of [Institutions and
9 Agencies] Human Services. The county adjuster shall be the
10 official in the county charged with the responsibility of assisting
11 with processing of such applications and shall perform functions
12 similar to those set forth in Title 30, Revised Statutes. In
13 connection with each such application, the court shall order a
14 hearing to be held, which may be in camera at the discretion of
15 the court. At least ten days' notice of the time, date and place
16 of such hearing shall be served upon the person, and if he be a
17 minor or incompetent, upon the parent, guardian, person standing
18 in loco parentis or person having custody and control of such
19 minor or incompetent. At such hearing, the court shall determine
20 whether the services of the diagnostic center shall be made
21 available to the said person and may order the confinement of
22 such person in the center for a period not to exceed ninety days
23 and shall cause a copy of said order of confinement to
24 accompany the said person to the center.

25 (cf: P.L.1953, c.29, s.49)

26 ¹[322.] ~~325.~~¹ Section 8 of P.L.1946, c.118 (C.30:4A-8) is
27 amended to read as follows:

28 8. If the person for whom the diagnosis is sought is a minor
29 under the age of eighteen years and is within the jurisdiction of
30 the [juvenile and domestic relations court] Superior Court,
31 Chancery Division, Family Part, the said court may make an
32 order placing the said minor in the care and custody of the
33 diagnostic center for a period required for a complete diagnosis
34 and study, not in excess, however, of ninety days and shall cause
35 a copy of said order to accompany said minor to the center. In
36 such case no final commitment or disposition shall be made until
37 the coming in of the report of the diagnostic center. Such report
38 and any recommendation thereon shall not be binding upon the
39 said court but shall be for its guidance in the final disposition of
40 the matter consistent with the best interests of the welfare of
41 the said minor and the community.

42 (cf: P.L.1946, c.118, s.8)

43 ¹[323.] ~~326.~~¹ Section 12 of P.L.1951, s.138 (C.30:4C-12) is
44 amended to read as follows:

45 12. Whenever it shall appear that the parent or parents,
46 guardian, or person having custody and control of any child within
47 this State is grossly immoral or unfit to be entrusted with the
48 care and education of such child, or shall fail to provide such
49 child with proper protection, maintenance and education, or is of

1 such vicious, careless or dissolute habits as to endanger the
2 welfare of such child, a written or oral complaint may be filed
3 with the [Bureau of Childrens] Division of Youth and Family
4 Services by any person or by any public or private agency or
5 institution interested in such child. When such a complaint is
6 filed by a public or private agency or institution, it shall be
7 accompanied by a summary setting forth the reason for such
8 complaint and other social history of the child and his situation
9 which justifies such complaint; or, if this is not feasible, such
10 summary shall be made available to the [Bureau of Childrens]
11 Division of Youth and Family Services as soon thereafter as
12 possible.

13 Upon receipt of a complaint as provided in this section, the
14 [Bureau of Childrens] Division of Youth and Family Services shall
15 investigate, or shall cause to be investigated, the statements set
16 forth in such complaint. If the circumstances so warrant, the
17 parent, parents, guardian, or person having custody and control of
18 the child shall be afforded an opportunity to file an application
19 for care, as provided in section 11 of this act. If the parent,
20 parents, guardian, or person having custody and control of the
21 child shall refuse to permit or shall in any way impede
22 investigation, and the bureau determines that further
23 investigation is necessary in the best interests of the child, the
24 bureau may thereupon apply to the [Juvenile and Domestic
25 Relations Court of the county where the child resides] Superior
26 Court, Chancery Division, Family Part, for an order directing the
27 parent, parents, guardian, or person having custody and control
28 of the child to permit immediate investigation. The court, upon
29 such application, may proceed to hear the matter in a summary
30 manner and if satisfied that the best interests of the child so
31 require may issue an order as requested.

32 If, after such investigation has been completed, it appears that
33 the child requires care and supervision by the [Bureau of
34 Childrens] Division of Youth and Family Services but the parent,
35 parents, guardian, or person having custody and control of the
36 child continue to refuse to apply for care in the manner provided
37 in section 11, the [bureau] Division may apply to the [Juvenile and
38 Domestic Relations Court of the county where the child resides]
39 Superior Court, Chancery Division, Family Part for an order
40 making the child a ward of the court and placing such child under
41 the care and supervision of the [Bureau of Childrens] Division of
42 Youth and Family Services.

43 The court, at a summary hearing held upon notice to the
44 [Bureau of Childrens] Division of Youth and Family Services, and
45 to the parent, parents, guardian, or person having custody and
46 control of the child, if satisfied that the best interests of the
47 child so require, may issue an order as requested, which order
48 shall have the same force and effect as the acceptance of a child
49 for care by the [bureau] Division as provided in section 11 of this

1 act; provided, however, that such order shall not be effective
2 beyond a period of 6 months from the date of entry unless the
3 court, upon application by the [Bureau of Childrens] Division of
4 Youth and Family Services, at a summary hearing held upon
5 notice to the parent, parents, guardian, or person having custody
6 of the child, extends the time of the order.

7 (cf: P.L.1962, c.197, s.15)

8 ¹[324.] 327.¹ Section 15 of P.L.1951, c.138 (C.30:4C-15) is
9 amended to read as follows:

10 15. Whenever (a) it appears that a court wherein a complaint
11 has been proffered as provided in chapter 6 of Title 9 of the
12 Revised Statutes, has entered a conviction against the parent or
13 parents, guardian, or person having custody and control of any
14 child because of abuse, abandonment, neglect of or cruelty to
15 such child; or (b) it appears that any child has been adjudged
16 delinquent by a court of proper jurisdiction in this State; or (c) it
17 appears that the best interests of any child under the care or
18 custody of the [Bureau of Childrens] Division of Youth and Family
19 Services require that he be placed under guardianship; or (d) it
20 appears that a parent or guardian of a child, following the
21 acceptance of such child by the [Bureau of Childrens] Division of
22 Youth and Family Services pursuant to sections 11 or 12 of this
23 act, or following the placement or commitment of such child in
24 the care of an authorized agency, whether in an institution or in a
25 foster home, and notwithstanding the diligent efforts of such
26 agency to encourage and strengthen the parental relationship, has
27 failed substantially and continuously or repeatedly for a period of
28 more than 1 year to maintain contact with and plan for the
29 future of the child, although physically and financially able to do
30 so; a petition, setting forth the facts in the case, may be filed
31 with the [juvenile and domestic relations court of the county
32 where such child may be at the time of the filing of such petition]
33 Superior Court, Chancery Division, Family Part. A petition as
34 provided in this section may be filed by any person or any
35 association or agency, interested in such child, or by the [Bureau
36 of Childrens] Division of Youth and Family Services in the
37 circumstances set forth in items (c) and (d) hereof.

38 (cf: P.L.1962, c.197, s.18)

39 ¹[325.] 328.¹ Section 1 of P.L.1950, c.19 (C.30:8-15.1) is
40 amended to read as follows:

41 1. Any person now holding the office, position or employment
42 of warden of a county penitentiary or jail in a county of the first
43 class having more than 800,000 inhabitants, who has been
44 appointed for a full term of 3 years and after serving such full
45 term has been reappointed to such office, position or
46 employment, shall, if the board of chosen freeholders of the
47 county, by resolution, so determines, continue to hold such office,
48 position or employment during good behavior and efficiency and
49 shall not be removed therefrom, except for good cause shown,

1 after a fair and impartial hearing before the board of chosen
2 freeholders of the county, upon written charges of the cause of
3 complaint preferred against him, signed by the person making the
4 same and filed in the office of the clerk of the board of chosen
5 freeholders of the county, and copies whereof have been served
6 upon him, at least 30 days before said hearing, at which hearing
7 he shall be entitled to be represented by counsel, to produce
8 witnesses and testify in his own behalf, and shall be entitled to,
9 and the board of chosen freeholders shall be empowered to issue,
10 writs of subpoena to compel the attendance of witnesses, and
11 from the decision in any such hearing such person shall be
12 entitled to appeal to the [County] Superior Court [of the county],
13 which court shall hear the cause de novo and may order such
14 person reinstated in his said office, position or employment, if it
15 shall decide that such order is proper and just under the
16 circumstances.

17 (cf: P.L.1967, c.115, s.2)

18 ¹[326.] 329.¹ Section 1 of P.L.1968, c.269 (C.30:8-24.1a) is
19 amended to read as follows:

20 1. Notwithstanding the provisions of section 30:8-17.1 of the
21 Revised Statutes or chapter 278 of the laws of 1947, or any other
22 law, the compensation paid to jailkeepers employed in counties of
23 the second class shall not be less than and may be more than the
24 compensation paid to court attendants attending the [county
25 court] Superior Court of such county.¹

26 (cf: P.L.1970, c.117, s.1)

27 ¹[327.] 330.¹ Section 9 of P.L.1947, c.34 (C.30:9-12.9) is
28 amended to read as follows:

29 9. The board of managers shall designate an officer or
30 employee of the institution who shall be charged with the duty,
31 upon the admission of a patient, of investigating the patient's
32 circumstances and his ability to pay. If upon such investigation it
33 appears that the patient or legally responsible relatives are able
34 to pay for his care and maintenance, an order shall be made by
35 such officer or employee that payment shall be made to the
36 custodian of funds, of a specified charge in proportion to the
37 financial ability of the patient or such relative. Such designated
38 officer or employee shall have the same power to collect the
39 charge specified from the estate of the patient or his relatives as
40 is possessed by an overseer of the poor or director of welfare in
41 like circumstances, including, but not limited to the right to
42 create a lien against the real estate of such patient or his
43 relatives. If the investigation shall disclose that the patient or
44 his relatives are unable to pay, the cost shall become a charge
45 upon the county. Should there be a dispute as to ability to pay or
46 doubt in the mind of such officer or employee, the [County]
47 Superior Court may hear the matter and make such order as is
48 deemed to be proper.

49 (cf: P.L.1953, c.29, s.58)

1 ¹[328.] 331.¹ Section 5 of P.L.1956. c.213 (C.30:9-12.20) is
2 amended to read as follows:

3 5. Admission to said institution or the use of the said facilities
4 shall also be provided by the board of managers when ordered by
5 a Superior Court judge or by a judge of [the County Court of the
6 county wherein the said institution shall be established or by a
7 municipal magistrate of] a municipal court situated in the county
8 where such judge [or magistrate] shall have jurisdiction of the
9 person to be admitted or provided with the use of said facilities
10 by reason of the pendency before him of a criminal charge
11 against such person and where said judge [or magistrate] shall be
12 satisfied that the person suffers from acute alcoholism. Any such
13 order so made by a judge [or magistrate] may provide for the
14 commitment, of the person so charged, to the said institution as a
15 part or the whole of a sentence imposed. In the event of any such
16 commitment, the said board of managers shall detain the person
17 committed for the term prescribed in accordance with the terms
18 and conditions of such order. Unless otherwise provided by the
19 State Department of [Institutions and Agencies] Human Services
20 or by the rules of court the said board of managers shall provide
21 the necessary forms for use in connection with commitments to
22 the said institution.

23 (cf: P.L.1956, c.213, s.5)

24 ¹[329.] 332.¹ R.S.30:9-57 is amended to read as follows:

25 30:9-57. A person with communicable tuberculosis who fails to
26 obey the rules or regulations promulgated in accordance with
27 26:4-70 by the State Department of Health for the care of
28 tubercular persons and for the prevention of the spread of
29 tuberculosis, or who is an actual menace to the community or to
30 members of his household, may be committed to a hospital or
31 institution, designated by the State Commissioner of Health with
32 the approval of the Commissioner of the State Department of
33 Human Services, for the care and custody of such person or
34 persons, by the [county court of the county in which the person
35 resides] Superior Court, upon proof of service upon him of the
36 rules and regulations and proof of violation thereafter, or upon
37 proof by the health officer of the municipality in which the
38 person resides, or by the State Commissioner of Health or his
39 authorized representative, that he is suffering from tuberculosis,
40 and is an actual menace to the community, or to members of his
41 household. Two days' notice of the time and place of hearing
42 shall in all cases be served upon the person to be committed.
43 Proof of such service shall be made at the hearing. The court
44 may also make such order for the payment for care and
45 treatment as may be proper. The superintendent or person in
46 charge of said hospital or institution to which such person has
47 been committed shall detain said person until the State
48 Commissioner of Health shall be satisfied that the person has
49 recovered to the extent that he will not be a menace to the

1 community or to members of his household or that the person will
2 so conduct himself that he will not constitute such a menace.
3 (cf. P.L.1977, c.63, s.19)

4 ~~[330.] 333.~~¹ R.S.30:9-65 is amended to read as follows:

5 ~~30:9-65. The superintendent shall be the chief executive officer~~
6 ~~of the hospital and subject to the rules and regulations and to the~~
7 ~~powers of the board of managers:~~

8 Shall have general supervision and control of the records,
9 accounts and buildings of the hospital and its internal affairs, and
10 maintain discipline and enforce all rules and regulations and
11 make such further rules and regulations as he may deem
12 necessary not inconsistent with law or the rules, regulations and
13 directions of the board of managers;

14 Shall with the consent of the board of managers appoint such
15 resident officers and such employees as he may think proper and
16 necessary for the efficient performance of the business of the
17 hospital, and prescribe their duties, and for cause stated in
18 writing after opportunity to be heard, discharge or suspend any
19 officer or employee, subject to formal investigation by the board
20 of managers;

21 Shall cause proper accounts and records to be kept regularly
22 from day to day in books and on records provided for that purpose
23 and cause such accounts and records to be correctly made up for
24 the annual report to the board of freeholders and presented to the
25 board of managers;

26 Shall receive into the hospital under the general direction of
27 the board of managers, in the order of application any person
28 suffering from a communicable disease who has a legal
29 settlement in the county or who has been an actual resident and
30 inhabitant of the county for a period of at least one year prior to
31 his application for admission or who may be committed to the
32 hospital by order of the [County] Superior Court;

33 Shall cause to be kept proper accounts and records of the
34 admission of each patient, his name, age, sex, color, marital
35 condition, residence, occupation, and place of last employment;

36 Shall cause a careful examination to be made of the physical
37 condition of all persons admitted and provide for the treatment
38 of each patient according to his need; and shall cause a record to
39 be kept of each patient when admitted and from time to time
40 thereafter;

41 Shall temporarily discharge any patient who shall willfully or
42 habitually violate the rules, or who is found not to have a
43 communicable disease, or who is found to have recovered, or who
44 for any other reason is no longer a suitable patient for hospital
45 treatment, and shall make full report thereof at the next meeting
46 of the board of managers, who shall make such final disposition of
47 the case as they may think proper;

48 Shall collect and receive all moneys due to the hospital, keep
49 an accurate account of the same, report the same at a monthly

1 meeting of the board of managers and transmit the same to the
2 county treasurer within ten days after such meeting;

3 Shall before entering upon the discharge of his duties, give a
4 bond in such sum as the board of managers may determine to
5 secure the faithful performance of his duties.

6 (cf: P.L.1953, c.29, s.66)

7 ¹[331.] 334.¹ R.S.30:9-66 is amended to read as follows:

8 30:9-66. A resident of the county desiring treatment in the
9 county hospital established under section 30:9-61 of this Title
10 may apply for examination to a reputable physician. Such
11 physician if he finds that the applicant is suffering from a
12 communicable disease in any form, may apply to the
13 superintendent for his admission.

14 All applications shall state whether in the judgment of the
15 physician, the patient is able to pay in whole or in part for his
16 care and treatment. Each application shall be filed and recorded
17 in a book kept for that purpose in the order of its receipt.

18 The determination of legal settlement and liability for costs of
19 care and maintenance of all patients shall be insofar as
20 practicable in accordance with [sections 30:4-23 to 30:4-105 and
21 30:9-45 to 30:9-60 of this Title] R.S.30:4-24 to R.S.30:4-105 and
22 R.S.30:9-57.

23 No discrimination shall be made in the accommodation, care or
24 treatment of any patient because of any payment of maintenance
25 and no officer or employee shall accept from a patient any fee,
26 payment or gratuity for services.

27 When in the judgment of the board of managers the further
28 detention of a patient is for his benefit or the benefit of the
29 community, he may be so detained. No patient shall be
30 discharged without first obtaining permission of the
31 superintendent or board of managers.

32 The superintendent, if he shall be a physician and if not then
33 such member of the medical staff as shall be so designated by the
34 board of managers, shall have the custody and control of the
35 patients and within the regulations of the board of managers may
36 restrain and discipline a patient in such manner as in his opinion
37 the welfare of the patient requires. He shall discharge a patient
38 whenever cured or whenever further detention would not benefit
39 the patient or the community.

40 A patient to whom discharge is refused, or any person as his
41 guardian ad litem, may apply to the [county court] Superior Court
42 in a summary manner for such discharge.

43 (cf: P.L.1977, c.63, s.21)

44 ¹[332.] 335.¹ R.S.30:9-68 is amended to read as follows:

45 30:9-68. Whenever a patient is admitted from the county in
46 which the hospital is situated the superintendent shall cause
47 inquiry to be made as to his circumstances. If he finds that the
48 patient or legally responsible relatives are able to pay for his
49 care and maintenance in whole or in part he shall order payment

1 to the treasurer of the hospital of a specified sum per week in
2 proportion to the financial ability of the patient or such relative,
3 but such sum shall not exceed the actual per capita cost of
4 maintenance. The superintendent shall have the same power to
5 collect such sum from the estate of the patient or relatives as is
6 possessed by an overseer of the poor or a director of welfare in
7 like circumstances. If the superintendent finds that the patient
8 or his relatives are unable to pay, the cost shall become a charge
9 upon the county. Should there be a dispute as to ability to pay or
10 doubt in the mind of the superintendent the [County] Superior
11 Court may hear the matter in a summary manner and make such
12 order as may be proper.

13 (cf: P.L.1953, c.29, s.68)

14 ¹[333.] 336.¹ R.S.30:11-4 is amended to read as follows:

15 30:11-4. (a) Any person, firm, partnership, corporation or
16 association who shall operate or conduct a private mental
17 hospital, convalescent home, private nursing home or private
18 hospital without first obtaining the license required by this
19 chapter, or who shall operate such private nursing home,
20 convalescent home or private hospital after revocation or
21 suspension of license shall be liable to a penalty of \$25.00 for
22 each day of operation in violation hereof for the first offense
23 and for any subsequent offense shall be liable to a penalty of
24 \$50.00 for each day of operation in violation hereof. Any person,
25 firm, partnership, corporation or association who shall be found
26 guilty of violating any rule or regulation adopted in accordance
27 with this chapter as the same pertains to the care of patients
28 and neglects to rectify the same within 7 days after receiving
29 notice from the department of such violation or who neglects to
30 commence, within 7 days, such repairs to his licensed
31 establishment after receiving notice from the department that
32 ~~hazardous or unsafe condition exists in or upon the structure in~~
33 which the licensed premises is maintained shall be subject to a
34 penalty of not less than \$10.00 or more than \$25.00 for each day
35 that he is in violation of such rule or regulation. If, within 1 year
36 after such violation such person, firm, partnership, corporation or
37 association is found guilty of the same violation such penalties as
38 hereinbefore set forth shall be doubled, and if there be a third
39 violation within such time, such penalties shall be tripled. In
40 addition thereto the board may, in its discretion, suspend the
41 license for such time as it may deem proper.

42 Any person, firm, partnership, corporation or association who
43 shall, except in cases of an emergency, maintain more patients
44 in his premises than he is licensed so to do, shall be subject to a
45 penalty in an amount equal to the charge collected from such
46 patient or patients plus \$10.00 for each extra patient so
47 maintained.

48 The State Board of [Control] Human Services, with the
49 approval of the Attorney General, is hereby authorized and

1 empowered to compromise and settle claims for money penalties
2 in appropriate circumstances where it appears to the satisfaction
3 of the board that payment of the full penalty will work severe
4 hardship on any individual not having sufficient financial ability
5 to pay the full penalty but in no case shall the penalty be
6 compromised for a sum less than \$250.00 for the first offense and
7 \$500.00 for the second and each subsequent offense; provided
8 however, that any penalty of less than \$250.00 or \$500.00, as the
9 case may be, may be compromised for a lesser sum.

10 The penalties authorized by this section shall be recovered in a
11 civil action, brought in the name of the State of New Jersey in
12 the Superior Court [or the County Court of any county], which
13 court shall have jurisdiction of all actions to recover such
14 penalties. No money penalties provided for herein shall be
15 required to be paid until the appellate procedures provided for in
16 the courts shall have been exhausted and then only if on appeal it
17 is determined that the licensee was in violation of the provisions
18 hereof or the rules and regulations of the Board of Control
19 establishing minimum standards of operation. No penalties shall
20 be assessed for the period of time following the filing of an
21 appeal with the appropriate appellate court from a
22 determination adverse to the licensee rendered by the
23 department and until such appellate court or courts shall have
24 rendered a final decision, and any penalties assessed prior
25 thereto shall be recoverable only to the extent that the appellate
26 court or courts affirms the decision of the department in the first
27 instance. Money penalties, when recovered, shall be payable to
28 the General State Fund.

29 The department may, in the manner provided by law, maintain
30 an action in the name of the State of New Jersey for injunction
31 against any person, firm, partnership, association or corporation
32 continuing to conduct, manage or operate a private nursing home,
33 convalescent home or private hospital without a license, or after
34 suspension or revocation of license.

35 The practice and procedure in actions instituted under
36 authority of this section shall conform to the practice and
37 procedure in the court in which the action is instituted.

38 (b) Whenever a boarding home for sheltered care, boarding
39 house or rest home or facility or institution of like character,
40 not licensed hereunder, by public or private advertising or by
41 other means holds out to the public that it is equipped to provide
42 post-operative or convalescent care for persons mentally ill or
43 mentally retarded or who are suffering or recovering from illness
44 or injury, or who are chronically ill, or whenever there is reason
45 to believe that any such facility or institution, not licensed
46 hereunder, is violating any of the provisions of this chapter,
47 then, and in such case, the department shall be permitted
48 reasonable inspection of such premises for the purpose of
49 ascertaining whether there is any violation of the provisions
50 hereof.

1 Any person, firm, association, partnership or corporation, not
2 licensed hereunder, but who holds out to the public by advertising
3 ~~or other means that the medical and nursing care contemplated~~
4 ~~by this chapter will be furnished to persons seeking admission as~~
5 ~~patients shall cease and desist from such practice and shall be~~
6 ~~liable to a penalty of \$100.00 for the first offense and \$200.00 for~~
7 ~~each subsequent offense, such penalty to be recovered as~~
8 ~~provided for herein. If any such boarding home for sheltered~~
9 ~~care, boarding house, rest home or other facility or institution~~
10 ~~shall operate as a private mental hospital, convalescent home,~~
11 ~~private nursing home or private hospital in violation of the~~
12 ~~provisions of this act and any supplements thereto then the same~~
13 ~~shall be liable to the penalties which are prescribed and capable~~
14 ~~of being assessed against hospitals or nursing homes pursuant to~~
15 ~~subsection (a) of this section.~~

16 (cf: P.L.1968, c.355, s.3)

17 ¹[334.] 337.¹ Section 2 of P.L.1953, c.170 (C.32:1-146.5) is
18 amended to read as follows:

19 2. Any violation within the State of the rule and regulation set
20 forth in section one hereof shall be punishable, for a first
21 offense, by a fine of not more than fifty dollars (\$50.00) or
22 imprisonment for not more than thirty days or by both such fine
23 and imprisonment; for a second offense, by a fine of not less
24 than twenty-five dollars (\$25.00) nor more than one hundred
25 dollars (\$100.00) or imprisonment for not more than sixty days or
26 by both such fine and imprisonment; for a third or any other
27 subsequent offense, by a fine of not less than fifty dollars
28 (\$50.00) nor more than two hundred dollars (\$200.00) or by
29 imprisonment for not more than sixty days or by both such fine
30 and imprisonment. Such a violation shall be tried in a summary
31 way and shall be within the jurisdiction of and may be brought in
32 the [county district court, or any criminal judicial district court,]
33 Superior Court or municipal court[, or existing police,
34 magistrate's or recorder's court, in the county] where the
35 offense was committed. The rules of the Supreme Court shall
36 govern the practice and procedure in such proceedings.
37 Proceedings under this section may be instituted on any day of
38 the week, and the institution of the proceedings on a Sunday or a
39 holiday shall be no bar to the successful prosecution thereof. Any
40 process served on a Sunday or a holiday shall be as valid as if
41 served on any other day of the week.

42 (cf: P.L.1953, c.170, s.2)

43 ¹[335.] 338.¹ Section 2 of P.L.1953, c.171 (C.32:1-146.7) is
44 amended to read as follows:

45 2. Any violation within the State of these rules and regulations
46 set forth in section one hereof shall be punishable by a fine not
47 exceeding ten dollars (\$10.00) or by imprisonment not exceeding
48 thirty days, or by both such fine and imprisonment. Such a
49 violation shall be tried in a summary way and shall be within the

1 jurisdiction of and may be brought in the [county district court,
2 or any criminal judicial district court,] Superior Court or
3 municipal court[, or existing police, magistrate's or recorder's
4 court, in the county] where the offense was committed. The
5 rules of the Supreme Court shall govern the practice and
6 procedure in such proceedings. Proceedings under this section
7 may be instituted on any day of the week, and the institution of
8 the proceedings on a Sunday or a holiday shall be no bar to the
9 successful prosecution thereof. Any process served on a Sunday
10 or a holiday shall be as valid as if served on any other day of the
11 week.

12 (cf: P.L.1953, c.171, s.2)

13 ¹[336.] 339.¹ Section 2 of P.L.1964, c.64 (C.32:1-146.9) is
14 amended to read as follows:

15 2. Any violation in the State of the rules and regulations set
16 forth in section 1 of this act shall be punishable by a fine of not
17 more than \$50.00 or imprisonment for not more than 30 days or
18 both. [Every municipal, county district and County Court] The
19 Superior and municipal court shall have jurisdiction to enforce
20 and collect in summary proceedings any such penalty if the
21 violation occurs within the territorial jurisdiction of the court.

22 The rules of the Supreme Court shall govern the practice and
23 procedure in such proceedings. The institution of a proceeding on
24 Sunday or a holiday shall be no bar to the successful prosecution
25 of the same and any process issued or served on Sunday or a
26 holiday shall be as valid as if issued or served on any other day.

27 (cf: P.L.1964, c.64, s.2)

28 ¹[337.] 340.¹ Section 16 of P.L.1950, c. 192 (C.32:1-154.16) is
29 amended to read as follows:

30 16. Except as provided in sections fourteen and fifteen hereof,
31 any violation within the State of any of the rules and regulations
32 set forth in sections two through eight, inclusive, hereof,
33 including but not limited to those regarding the payment of tolls,
34 shall be punishable by a fine not exceeding five hundred dollars
35 (\$500.00) or by imprisonment not exceeding sixty days or by both
36 such fine and imprisonment. Such a violation shall be tried in a
37 summary way and shall be within the jurisdiction of and may be
38 brought in the [county district court, or any criminal judicial
39 district court,] Superior Court, Law Division or municipal court[,
40 or existing police, magistrate's or recorder's court, in the
41 county] where the offense was committed. The rules of the
42 Supreme Court shall govern the practice and procedure in such
43 proceedings. Proceedings under this section may be instituted on
44 any day of the week, and the institution of the proceedings on a
45 Sunday or a holiday shall be no bar to the successful prosecution
46 thereof. Any process served on a Sunday or a holiday shall be as
47 valid as if served on any other day of the week.

48 (cf: P.L.1950, c.192, c.16)

49 ¹[338.] 341.¹ Section 4 of P.L.1951, c.239 (C.32:1-154.21) is

1 amended to read as follows:

2 4. Except as provided in sections two and three hereof, any
3 violation within the State of any of the rules and regulations set
4 forth in section one hereof, shall be punishable by a fine not
5 exceeding five hundred dollars (\$500.00) or by imprisonment not
6 exceeding sixty days or by both such fine and imprisonment. Such
7 a violation shall be tried in a summary way and shall be within
8 the jurisdiction of and may be brought in the [county district
9 court, or any criminal judicial district court,] Superior Court or
10 municipal court, or existing police, magistrate's or recorder's
11 court, in the county where] of the municipality in which the
12 offense was committed. The rules of the Supreme Court shall
13 govern the practice and procedure in such proceedings.
14 Proceedings under this section may be instituted on any day of
15 the week, and the institution of the proceedings on a Sunday or a
16 holiday shall be no bar to the successful prosecution thereof.
17 Any process served on a Sunday or a holiday shall be as valid as
18 if served on any other day of the week.

19 (cf: P.L.1951, c.239, s.4)

20 ¹[339.] 342. ¹R.S.33:1-1 is amended to read as follows:

21 33:1-1. For the purpose of this chapter, the following words
22 and terms shall be deemed to have the meanings herein given to
23 them:

24 a. "Alcohol". Ethyl alcohol, hydrated oxide of ethyl or neutral
25 spirits from whatever source or by whatever process produced.

26 b. "Alcoholic beverage." Any fluid or solid capable of being
27 converted into a fluid, suitable for human consumption, and
28 having an alcohol content of more than one-half of one per
29 centum (1/2 of 1%) by volume, including alcohol, beer, lager beer,
30 ale, porter, naturally fermented wine, treated wine, blended
31 wine, fortified wine, sparkling wine, distilled liquors, blended
32 distilled liquors and any brewed, fermented or distilled liquors fit
33 for use for beverage purposes or any mixture of the same, and
34 fruit juices.

35 c. "Building." A structure of which licensed premises are or
36 may be a part, including all rooms, cellars, outbuildings,
37 passageways, closets, vaults, yards, attics, and every part of the
38 structure of which the licensed premises are a part, and of any
39 other structure to which there is a common means of access, and
40 any other appurtenances.

41 d. "Commissioner." The Director of the Division of Alcoholic
42 Beverage Control.

43 e. "Container." Any glass, can, bottle, vessel or receptacle of
44 any material whatsoever used for holding alcoholic beverages,
45 which container is covered, corked or sealed in any manner
46 whatsoever.

47 f. "Eligible." The status of a person who is a citizen of the
48 United States, a resident of this State, of good moral character
49 and repute, and of legal age.

- 1 g. "Governing board or body." The board or body which
2 governs a municipality, including a board of aldermen in
3 municipalities so governed; but in every municipality having a
4 board of public works which exercises general licensing powers
5 such board shall be considered as the governing board or body.
- 6 h. "Importing." The act of bringing or causing to be brought
7 any alcoholic beverage into this State.
- 8 i. "Illicit beverage." Any alcoholic beverage manufactured,
9 distributed, bought, sold, bottled, rectified, blended, treated,
10 fortified, mixed, processed, warehoused, possessed or transported
11 in violation of this chapter, or on which any federal tax or tax
12 imposed by the laws of this State has not been paid; and any
13 alcoholic beverage possessed, kept, stored, owned or imported
14 with intent to manufacture, sell, distribute, bottle, rectify, blend,
15 treat, fortify, mix, process, warehouse or transport in violation of
16 the provisions of this chapter.
- 17 j. "Licensed building." Any building containing licensed
18 premises.
- 19 k. "Licensed premises." Any premises for which a license under
20 this chapter is in force and effect.
- 21 l. "Magistrate." [Any county court, criminal judicial district
22 court,] The Superior Court or municipal court [or county district
23 court].
- 24 m. "Manufacturer." Any person who, directly or indirectly,
25 personally or through any agency whatsoever, engages in the
26 making or other processing whatsoever of alcoholic beverages.
- 27 n. "Municipality." Any city, town, township, village, or
28 borough, including a municipality governed by a board of
29 commissioners or improvement commission, but excluding a
30 county.
- 31 o. "Municipal board." The municipal board of alcoholic
32 beverage control as established by this chapter.
- 33 p. "Officer." Any sheriff, deputy sheriff, constable, police
34 officer, member of the Division of State Police, or any other
35 person having the power to execute a warrant for arrest, or any
36 inspector or investigator of the Division of Alcoholic Beverage
37 Control.
- 38 q. "Original container." Any container in which an alcoholic
39 beverage has been delivered to a retail licensee.
- 40 r. "Person." Any natural person or association of natural
41 persons, association, trust company, partnership, corporation,
42 organization, or the manager, agent, servant, officer, or
43 employee of any of them.
- 44 s. "Premises." The physical place at which a licensee is or may
45 be licensed to conduct and carry on the manufacture, distribution
46 or sale of alcoholic beverages, but not including vehicular
47 transportation.
- 48 t. "Restaurant." An establishment regularly and principally
49 used for the purpose of providing meals to the public, having an

1 adequate kitchen and dining room equipped for the preparing,
2 cooking and serving of food for its customers and in which no
3 other business, except such as is incidental to such establishment,
4 is conducted.

5 u. "Retailer." Any person who sells alcoholic beverages to
6 consumers.

7 v. "Rules and regulations." The rules and regulations
8 established from time to time by the director.

9 w. "Sale." Every delivery of an alcoholic beverage otherwise
10 than by purely gratuitous title, including deliveries from without
11 this State and deliveries by any person without this State
12 intended for shipment by carrier or otherwise into this State and
13 brought within this State, or the solicitation or acceptance of an
14 order for an alcoholic beverage, and including exchange, barter,
15 traffic in, keeping and exposing for sale, serving with meals,
16 delivering for value, peddling, possessing with intent to sell, and
17 the gratuitous delivery or gift of any alcoholic beverage by any
18 licensee.

19 x. "Unlawful alcoholic beverage activity." The manufacture,
20 sale, distribution, bottling, rectifying, blending, treating,
21 fortifying, mixing, processing, warehousing or transportation of
22 any alcoholic beverage in violation of this chapter, or the
23 importing, owning, possessing, keeping or storing in this State of
24 alcoholic beverages with intent to manufacture, sell, distribute,
25 bottle, rectify, blend, treat, fortify, mix, process, warehouse or
26 transport alcoholic beverages in violation of this chapter, or the
27 owning, possessing, keeping or storing in this State of any
28 implement or paraphernalia for the manufacture, sale,
29 distribution, bottling, rectifying, blending, treating, fortifying,
30 mixing, processing, warehousing or transportation of alcoholic
31 beverages with intent to use the same in the manufacture, sale,
32 distribution, bottling, rectifying, blending, treating, fortifying,
33 mixing, processing, warehousing or transportation of alcoholic
34 beverages in violation of this chapter, or to aid or abet another in
35 the manufacture, sale, distribution, bottling, rectifying, blending,
36 treating, fortifying, mixing, processing, warehousing or
37 transportation of alcoholic beverages in violation of this chapter,
38 or the aiding or abetting of another in any of the foregoing
39 activities.

40 y. "Unlawful property." All illicit beverages and all
41 implements, vehicles, vessels, airplanes, and paraphernalia for
42 the manufacture, sale, distribution, bottling, rectifying, blending,
43 treating, fortifying, mixing, processing, warehousing or
44 transportation of illicit beverages used in the manufacture, sale,
45 distribution, bottling, rectifying, blending, treating, fortifying,
46 mixing, processing, warehousing or transportation of illicit
47 beverages or owned, possessed, kept or stored with intent to use
48 the same in the manufacture, sale, distribution, bottling,
49 rectifying, blending, treating, fortifying, mixing, processing,

1 warehousing or transportation of illicit beverages, whether such
2 use be by the person owning, possessing, keeping, or storing the
3 same, or by another with the consent of such person; and all
4 alcoholic beverages, fixtures and personal property located in or
5 upon any premises, building, yard or inclosure connected with a
6 building, in which an illicit beverage is found, possessed, stored or
7 kept.

8 z. "Wholesaler." Any person who sells an alcoholic beverage for
9 the purpose of resale either to a licensed wholesaler or to a
10 licensed retailer, or both.

11 aa. "Limousine." A vehicle with a carrying capacity of not
12 more than nine passengers, not including the driver, used in the
13 business of carrying passengers for hire which is hired by charter
14 or for a particular contract, or by the day or hour or other fixed
15 period, or to transport passengers to a specified place, or which
16 charges a fare or price agreed upon in advance between the
17 operator and the passenger or which is furnished as an
18 accommodation for a patron in connection with other business
19 purposes. This shall not include taxicabs, hotel or airport shuttles
20 and buses, or buses employed solely in transporting schoolchildren
21 or teachers to and from school, or vehicles owned and operated
22 without charge or remuneration by a business entity for its own
23 purposes.

24 Any definition herein contained shall apply to the same word in
25 any form. Thus "sell" means to make a "sale" as above defined.

26 (cf: P.L.1985, c.157, s.1)

27 ¹[340.] 343.¹ R.S.34:1-70 is amended to read as follows:

28 34:1-70. Except as otherwise in this Title specifically provided,
29 a proceeding for the recovery of a penalty for the violation of
30 any provision of this Title shall be by a civil action in the name of
31 the commissioner, to be instituted in the [county district court of
32 the county.] Superior Court or a municipal court of the
33 municipality, where the offense was committed.

34 ~~If a corporation violates the provisions of this Title and if,~~
35 according to the practice of the court in which the action is
36 brought, service of process cannot be made upon it in the county
37 where the offense was committed, then such service may be
38 made upon the manager, superintendent, foreman or person in
39 charge of the business where such offense was committed. If an
40 individual violating the provisions of this Title is the owner or
41 operator of the business wherein the offense was committed, and
42 if he does not reside in the county where such offense was
43 committed, service of process against him may be made upon the
44 manager, superintendent, foreman or person in charge of the
45 business.

46 ~~If an individual is committed under execution against his body,~~
47 he shall not be discharged under the insolvent debtors law of the
48 State, but shall only be discharged by the court issuing the
49 execution, or by the Superior Court, when it is satisfied that

1 further confinement will not result in the payment of the
2 judgment and costs.

3 (cf: P.L.1953, c.33, s.1)

4 ²[¹341.] ¹344. Section 3 of P.L.1949, c.274, s.3 (C.34:3A-3) is
5 amended to read as follows:

6 3. Any person who shall violate any of the provisions of this act
7 shall be liable to a penalty of not less than ten dollars (\$10.00)
8 nor more than two hundred dollars (\$200.00) in the discretion of
9 the court. The penalties herein provided for shall be sued for
10 and recovered by, and in the name of, the Commissioner of
11 Labor and Industry, in summary proceedings pursuant to the
12 Penalty Enforcement Law (N.J.S.2A:58-1 et seq.), in the [county
13 district court] Superior Court or municipal court of the [county
14 or] municipality, where the offense was committed.

15 (cf: P.L.1953, c.33, s.4)]²

16 ¹[342.] ²[¹345.] ²344. R.S.34:4-5 is amended to read as follows:

17 34:4-5. All proceedings brought under the provisions of this
18 chapter shall be by a civil action in the name of the commissioner
19 or building inspector, to be instituted in [any county district court
20 of the county,] the Superior Court or municipal court of the
21 municipality, where the offense occurs.

22 (cf: P.L.1953, c.33, s.5)

23 ¹[343.] ²[¹346.] ²345. Section 33 of P.L.1983, c.315
24 (C.34:5A-31) is amended to read as follows:

25 33. a. Whenever, on the basis of information available to him,
26 the Commissioner of the Department of Environmental
27 Protection finds that an employer is in violation of subsection b.
28 of section 7, or of subsection b. or c. of section 9 of this act, or
29 any rule and regulation adopted pursuant thereto, or the
30 Commissioner of the Department of Health finds that an
31 employer is in violation of subsection a. of section 7, or of
32 section 10, 11, 12, 13, or 14 of this act, or any rule and regulation
33 adopted pursuant thereto, the Commissioner of the Department
34 of Environmental Protection, or the Commissioner of the
35 Department of Health, as the case may be, shall:

36 (1) Issue an order in accordance with subsection b. of this
37 section requiring the employer to comply;

38 (2) Bring a civil action in accordance with subsection c. of this
39 section;

40 (3) Levy a civil administrative penalty in accordance with
41 subsection d. of this section; or

42 (4) Bring an action for a civil penalty in accordance with
43 subsection e. of this section.

44 The exercise of any of the remedies provided in this section
45 shall not preclude recourse to any other remedy so provided.

46 b. Whenever, on the basis of information available to him, the
47 Commissioner of the Department of Environmental Protection
48 finds that an employer is in violation of subsection b. of section
49 7, or of subsection b. or c. of section 9 of this act or any rule or

1 regulation adopted pursuant thereto, or the Commissioner of the
2 Department of Health finds that an employer is in violation of
3 subsection a. of section 7, or of section 10, 11, 12, 13, or 14 of
4 this act, or any rule or regulation adopted pursuant thereto, the
5 Commissioner of the Department of Environmental Protection or
6 the Commissioner of the Department of Health, as the case may
7 be, may issue an order (1) specifying the provision or provisions of
8 this act, or the rule or regulation adopted pursuant thereto of
9 which the employer is in violation; (2) citing the action which
10 caused the violation; (3) requiring compliance with the provision
11 of this act or the rules and regulations adopted pursuant thereto
12 of which he is in violation; and (4) giving notice to the employer
13 of his right to a hearing on the matters contained in the order.

14 c. The Commissioner of the Department of Environmental
15 Protection or the Commissioner of the Department of Health, as
16 appropriate, is authorized to commence a civil action in Superior
17 Court for appropriate relief from a violation of this act. This
18 relief may include an assessment against the violator for the
19 costs of any investigation, inspection, or monitoring survey
20 which led to the discovery and establishment of the violation, and
21 for the reasonable costs of preparing and litigating the case
22 under this subsection.

23 d. The Commissioner of the Department of Environmental
24 Protection or the Commissioner of the Department of Health, as
25 appropriate, is authorized to impose a civil administrative
26 penalty of not more than \$2,500.00 for each violation and
27 additional penalties of not more than \$1,000.00 for each day
28 during which a violation continues after receipt of an order from
29 the commissioner to cease the violation. Any amount imposed
30 under this subparagraph shall fall within a range established by
31 regulation by the commissioner for violations of similar type,
32 seriousness, and duration. No civil administrative penalty shall
33 be imposed until after the employer has been notified by
34 certified mail or personal service. The notice shall include a
35 reference to the section of the act, rule, regulation or order
36 violated; a concise statement of the facts alleged to constitute a
37 violation; a statement of the amount of the civil administrative
38 penalties to be imposed; and a statement of the employer's
39 right to a hearing. The employer shall have 20 days from receipt
40 of the notice within which to deliver to the commissioner a
41 written request for a hearing. Subsequent to the hearing and
42 upon finding that a violation has occurred, the commissioner may
43 issue a final order after imposing the amount of the fine specified
44 in the notice. If no hearing is requested, the notice shall become
45 a final order upon the expiration of the 20-day period. Payment
46 of the penalty is due when a final order is issued or when the
47 notice becomes a final order. The authority to levy a civil
48 administrative penalty is in addition to all other enforcement
49 provisions in this act, and the payment of a civil administrative

1 penalty shall not be deemed to affect the availability of any
2 other enforcement provision in connection with the violation for
3 which the penalty is levied. A civil administrative penalty
4 imposed under this section may be compromised by the
5 commissioner upon the posting of a performance bond by the
6 employer, or upon terms and conditions the commissioner may
7 establish by regulation.

8 e. An employer who violates this act, an order issued pursuant
9 to subsection b. of this section, or a court order issued pursuant
10 to subsection c. of this section, or who fails to pay in full a civil
11 administrative penalty levied pursuant to subsection d. of this
12 section, shall be subject, upon order of a court, to a civil penalty
13 not to exceed \$2,500.00 for each day during which the violation
14 continues. An employer who willfully or knowingly violates this
15 act, or who willfully or knowingly makes a false statement,
16 representation, or certification in any document filed or required
17 to be maintained under this act, or who falsifies, tampers with,
18 or knowingly renders inaccurate any monitoring device required
19 to be maintained pursuant to this act, is subject upon order of a
20 court, to a civil penalty of not less than \$10,000.00, nor more
21 than \$5,000.00 per day of violation. Any penalty imposed
22 pursuant to this subsection may be collected, and any costs
23 incurred in connection therewith may be recovered, in a
24 summary proceeding pursuant to "the penalty enforcement law"
25 (N.J.S.2A:58-1 et seq.). The Superior Court [or county district
26 court] shall have jurisdiction to enforce "the penalty enforcement
27 law."

28 (cf: P.L.1983, c.315, s.33)

29 ¹[344.] ²[347.1] 346.² Section 6 of P.L.1966, c.112,
30 (C.34:6-119.6) is amended to read as follows:

31 6. Any company, the officers and agents thereof, and any other
32 person who shall violate any of the provisions of this act or of any
33 order made by the Commissioner of Labor and Industry pursuant
34 to this act, shall be liable to a penalty of \$50.00 for the first
35 violation and \$100.00 for each subsequent violation. In the case
36 of a continuing violation, the violation on each day shall be
37 deemed to be a separate violation. Any such penalty shall be
38 enforced and collected in accordance with the "Penalty
39 Enforcement Law" (N.J.S. 2A:58). Any such penalty may be
40 collected or enforced by summary proceedings or in a summary
41 manner. Any action to collect or enforce any such penalty shall
42 be brought in the name of the Commissioner of Labor and
43 Industry in the Superior Court [or in any County Court or in any
44 county district court of the county wherein the violation occurred
45 or wherein process may be served upon the defendant]. All
46 penalties recovered under this act shall be paid into the treasury
47 of this State.

48 (cf: P.L.1966, c.112, s.6)

49 ¹[345.] ²[348.1] 347.² R.S.34:6-136 is amended to read as
50 follows:

1 34:6-136. Any penalty for a violation of this article shall be
2 recovered in a civil action brought in the name of the
3 commissioner in the [County Court or county district court of the
4 county,] Superior Court or municipal court of the municipality,
5 where the offense is committed.

6 A penalty recovered shall be transmitted by the clerk of the
7 court [or the magistrate] to the commissioner and by him paid
8 into the treasury of this State.

9 (cf: P.L.1953, c.33, s.16)

10 ¹[346.] ²[349.1] 348.² Section 16 of P.L.1941, c.308
11 (C.34:6-136.16) is amended to read as follows:

12 16. Enforcement, administration, oath, affidavits, subpoenas,
13 witnesses. (a) The commissioner shall enforce and administer the
14 provisions of this act and the commissioner is directed to make
15 all inspections and investigations necessary for proper
16 enforcement and administration thereof.

17 (b) In the administration of this act the commissioner shall
18 have the power to administer oaths, take affidavits and the
19 depositions of witnesses and issue subpoenas for and compel the
20 attendance of witnesses and the production of papers, books,
21 accounts, payrolls, documents, records, testimony and other
22 evidence of whatever description. In the case of failure of any
23 person to comply with any order of the commissioner or
24 subpoena, lawfully issued, or on the refusal of any witness to
25 produce evidence or to testify as to any matter regarding which
26 he may be lawfully interrogated, it shall be the duty of [any
27 District Court or County Court] the Superior Court, or the judge
28 thereof, upon application by the commissioner to compel
29 obedience by proceedings for contempt, as in the case of
30 disobedience of a subpoena issued for such court or a refusal to
31 testify therein.

32 (c) Notwithstanding the provisions of any other general, local
33 or special law, all fees and other moneys derived from the
34 operation of this act shall be remitted to the State Treasurer and
35 by him deposited in the General State Fund and the cost of
36 administration of this act shall be included in the annual
37 appropriation law.

38 (cf: P.L.1950, c.42, s.1)

39 ¹[347.] ²[350.1] 349.² Section 17 of P.L.1983, c.516
40 (C.34:6A-41) is amended to read as follows:

41 17. a. If the commissioner determines that an employer has
42 violated a provision of this act, or a safety or health standard or
43 regulation promulgated under this act, he shall with reasonable
44 promptness issue to the employer a written order to comply
45 which shall describe the nature of the violation, including a
46 reference to the provision of this section, standard, regulation or
47 order alleged to have been violated, the sanction therefor, where
48 appropriate, and shall fix a reasonable time for compliance.
49 Determinations regarding health standards, and written orders

1 issued pursuant thereto, shall be made in consultation with the
2 Commissioner of Health.

3 b. Where the commissioner issues to an employer an order to
4 comply, the employer shall post such order or a copy thereof at
5 or near each location of the violation cited in the order so that it
6 is clearly visible to affected employees. The commissioner shall
7 make such order available to employee representatives and
8 affected employees.

9 c. If the time for compliance with an order of the
10 commissioner issued pursuant to this section elapses, and the
11 employer has not made a good faith effort to comply, within its
12 powers and financial resources, the employer shall be liable to a
13 penalty of not more than \$1,000.00 per day to be collected in a
14 civil action commenced by the commissioner by a summary
15 proceeding under "the penalty enforcement law" (N.J.S.2A:58-1
16 et seq.) in the Superior Court[, county district court,] or a
17 municipal court, [all of] which shall have jurisdiction to enforce
18 "the penalty enforcement law" in connection with this act. If the
19 violation is of a continuing nature, each day during which it
20 continues after the date given for compliance in accordance with
21 the order of the department shall constitute an additional
22 separate and distinct offense.

23 d. The commissioner is authorized to compromise and settle
24 any claim for a penalty under this section in such amount as, in
25 the discretion of the commissioner, may appear appropriate and
26 equitable under all of the circumstances, including a rebate of
27 any such penalty paid up to 90% thereof where such person
28 satisfies the commissioner within one year or such other period as
29 the commissioner may deem reasonable that such violation had
30 been eliminated or removed or that such order or injunction has
31 been met or satisfied, as the case may be. In any claim involving
32 investigations conducted by the Department of Health, the
33 commissioner shall make the determination as to the compromise
34 or settlement of the claim in consultation with the Commissioner
35 of Health.

36 (cf: P.L.1983, c.516, s.17)

37 ¹[348.] ²[351.1] 350.² R.S.34:7-7 is amended to read as follows:

38 34:7-7. [Every county district court] The Superior Court and
39 municipal court shall have jurisdiction of proceedings for the
40 collection and enforcement of a penalty imposed because of the
41 violation of any provision of this article. The proceedings shall
42 be summary and in accordance with the Penalty Enforcement
43 Law (N.J.S.2A:58-1 et seq.) and may be brought in the [county or]
44 municipality where the offense was committed, or where the
45 offender may be summoned or arrested, or where he resides.

46 (cf: P.L.1953, c.33, s.18)

47 ¹[349.] ²[352.1] 351.² R.S.34:7-9 is amended to read as follows:

48 34:7-9. Any process under the provisions of this article shall be
49 served by the commissioner or a member of the engineers' and

1 firemen's license bureau or by any officer authorized to serve
2 process in [county district courts] the Superior Court, Law
3 Division, Special Civil Part, or municipal courts.

4 (cf: P.L.1953, c.33, s.20)

5 ¹[350.] ²[353.1] ³352.² Section 4 of P.L.1971, c.193
6 (C.34:9A-40) is amended to read as follows:

7 4. Any farm operator who violates any of the provisions of this
8 act or the rules and regulations promulgated hereunder shall be
9 subject to a penalty of not less than \$50.00 nor more than
10 \$500.00 to be collected in a civil action commenced by the
11 commissioner by a summary proceeding under The Penalty
12 Enforcement Law (N.J.S.2A:58-1 et seq.) in the Superior Court[,
13 County Court, county district court,] or a municipal court, [all
14 of] which shall have jurisdiction to enforce said Penalty
15 Enforcement Law in connection with this act. If the violation is
16 of a continuing nature, each day during which it continues after
17 the date given by which the violation must be eliminated in
18 accordance with the order of the department shall constitute an
19 additional, separate and distinct offense.

20 It shall be a complete defense to any action for a penalty
21 pursuant to this section for the defendant to prove that the
22 violation complained of is solely the result of the willful
23 destruction by the occupants of any camp; provided, that proof of
24 such fact shall not alter any duty to correct or terminate said
25 violation as ordered by the commissioner.

26 (cf: P.L.1971, c.193, s.4)

27 ¹[351.] ²[354.1] ³353.² Section 9 of P.L.1965, c. 173
28 (C.34:11-4.9) is amended to read as follows:

29 9. a. The commissioner shall enforce and administer the
30 provisions of this act and the commissioner or his authorized
31 representatives are empowered to hold hearings and otherwise to
32 investigate charges of violations of this act and to institute
33 actions for penalties hereunder.

34 b. The commissioner or his authorized representatives are
35 empowered to enter and inspect such places, question such
36 employees and investigate such facts, conditions or matters as
37 they may deem appropriate to determine whether any person has
38 violated any provision of this act or any rule or regulation issued
39 hereunder or which may aid in the enforcement of the provisions
40 of this act.

41 c. The commissioner or his authorized representatives shall
42 have power to administer oaths and examine witnesses under
43 oath, issue subpoenas, compel the attendance of witnesses, and
44 the production of papers, books, accounts, records, payrolls,
45 documents, and testimony, and to take depositions and affidavits
46 in any proceeding before said commissioner.

47 d. In case of failure of any person to comply with any subpoena
48 lawfully issued, or on the refusal of any witness to testify to any
49 matter regarding which he may be lawfully interrogated, it shall

1 be the duty of the [County Court] Superior Court, on application
2 by the commissioner, to compel obedience by proceedings for
3 contempt, as in the case of disobedience of the requirements of a
4 subpoena issued from such court or a refusal to testify therein.
5 (cf: P.L.1965, c.173, s.9)

6 ¹[352.] ²[355.1] 354.² R.S.34:11-63 is amended to read as
7 follows:

8 34:11-63. From any judgment which may be obtained in the
9 wage collection division, ~~except such as shall be given by~~
10 ~~confession, either party may, upon filing a notice of appeal with~~
11 ~~the wage collection division within twenty days after judgment~~
12 ~~shall be given, appeal to the [County] Superior Court [of the~~
13 ~~county]. The appellant shall give a bond in every case, except~~
14 ~~where the judgment appealed from is partially in his favor and no~~
15 ~~set-off against his demand has been allowed by the division, or~~
16 ~~where the court otherwise orders. The bond shall be secured by~~
17 ~~one sufficient surety, either a freeholder in the county or a~~
18 ~~surety company authorized to do business in New Jersey, and~~
19 ~~shall be in double the amount of such judgment or of any off-set~~
20 ~~allowed by the division, conditioned that the appellant shall~~
21 ~~prosecute his appeal in the [County] Superior Court, stand to and~~
22 ~~abide the judgment of the court, and pay such costs as shall be~~
23 ~~taxed against him if the judgment be affirmed. The wage~~
24 ~~collection division shall then prepare a transcript of the record~~
25 ~~to be filed in the [County] Superior Court.~~

26 (cf: P.L.1953, c.33, s.41)

27 ¹[353.] ²[356.1] 355.² R.S.34:11-66 is amended to read as
28 follows:

29 34:11-67. Nothing in this article shall prevent the claimant
30 from instituting an action for his claim in any court of
31 ~~competent jurisdiction or be construed to deny or limit the right~~
32 ~~of the plaintiff or defendant to a trial by jury. Where either~~
33 ~~party demands a trial by jury, he shall pay, at least two days~~
34 ~~before the return date or the adjourned date of hearing of his~~
35 ~~cause, the statutory jury fee to the wage collection division and~~
36 ~~thereupon the wage collection division of the department shall~~
37 ~~file the entire record, in the cause, in [a county district court]~~
38 ~~the Superior Court, for trial by jury of the issues presented by the~~
39 ~~claimant and defendant. The jury fee so received shall be paid to~~
40 ~~the [county district] court wherein the cause is to be tried by the~~
41 ~~judge and jury. The judgment shall be docketed in the [County]~~
42 ~~Superior Court as are other judgments of the wage collection~~
43 ~~division.~~

44 (cf: P.L.1953, c.33, s.43)

45 ¹[354.] ²[357.1] 356.² R.S.34:11-67 is amended to read as
46 follows:

47 34:11-67. No filing fee shall be charged by the wage collection
48 division, for accepting a wage claim, and no advance fees shall be
49 charged by constables making service of process on wage claims

1 of the wage collection division, nor shall any fee be charged by
2 any county clerk for filing of any award or determination of the
3 wage collection division or sheriff for execution and levy but the
4 collection of any wage claim either by execution or otherwise
5 shall carry taxed costs of service, filing, recording fees,
6 executions, and similar items, in accordance with the schedule of
7 costs as prescribed for [county district courts] the Superior
8 Court, Law Division, Special Civil Part. All moneys received by
9 way of taxed costs shall be retained by the wage collection
10 division and at the end of each calendar year shall be paid into
11 the State treasury for the use of the State.

12 (cf: P.L.1971, c.154, s.8)

13 ¹[355.] ²[358.1] 357.² R.S.34:15-6 is amended to read as
14 follows:

15 34:15-6. No claim for legal services or disbursements
16 pertaining to any demand or suit under this chapter shall be an
17 enforceable lien against the amount paid as compensation, unless
18 approved in writing by the court in which the claim is sued upon,
19 or in case of settlement without trial, by the [County] Superior
20 Court [of the county in which such issue arose], unless notice in
21 writing be given the defendant of such claim, in which event the
22 same shall be a lien against the amount paid as compensation,
23 subject to determination of the amount and approval
24 hereinbefore provided.

25 (cf: P.L.1953, c.33, s.50)

26 ¹[356.] ²[359.1] 358.² R.S.34:15-25 is amended to read as
27 follows:

28 34:15-25. Compensation may be commuted by the bureau at its
29 present value, when discounted at five per centum (5%) simple
30 interest, upon application of either party, with due notice to the
31 other, if it appears that such commutation will be for the best
32 interest of the employees or the dependents of the deceased
33 employee, or that it will avoid undue expense or undue hardship
34 to either party, or that the employee or dependent has removed
35 or is about to remove from the United States, or that the
36 employer has sold or otherwise disposed of the greater part of his
37 business or assets.

38 Unless so approved, no compensation payments shall be
39 commuted.

40 In determining whether commutation will be for the best
41 interest of the employee or the dependents of the deceased
42 employee, or that it will avoid undue expense or undue hardship
43 to either party, the bureau and the [County] Superior Court will
44 regard the intention of this chapter that compensation payments
45 are in lieu of wages, and are to be received by the injured
46 employee or his dependents in the same manner in which wages
47 are ordinarily paid. Commutation is to be allowed only when it
48 clearly appears that an unusual circumstance warrants a
49 departure from the normal manner of payment and not to enable

1 the injured employee or dependents of a deceased employee to
2 satisfy a debt, or to make payment to physicians, lawyers or
3 others.

4 (cf: P.L.1953, c.33, s.51)

5 ¹[357.] ²[360.1] 359.² R.S.34:15-26 is amended to read as
6 follows:

7 34:15-26. When any proceedings have been taken under the
8 provisions of article two of this chapter, the bureau or the
9 [County] Superior Court shall, as a part of the determination and
10 order, either for payment or for commutation of payment, settle
11 and determine the amount of compensation to be paid by the
12 injured employee or his dependents, on behalf of whom such
13 proceedings are instituted, to his legal advisers, and it shall be
14 unlawful for any lawyer, or other person acting in that behalf, to
15 ask for, contract for or receive any larger sum than the amount
16 so fixed. In the order determining weekly payments where no
17 commutation is made, the bureau or the court shall also
18 determine the amount to be paid per week from the
19 compensation payment on account of the legal fee thus awarded,
20 and it shall be unlawful for the legal adviser, or other person
21 acting in that behalf, to ask for, contract for or receive a larger
22 sum per week than the allowance thus determined.

23 (cf: P.L.1953, c.33, s.52)

24 ¹[358.] ²[361.1] 360.² R.S.34:15-45 is amended to read as
25 follows:

26 34:15-45. In any case where a person under the age of
27 twenty-one years shall be entitled to receive any compensation
28 or distributive share under this chapter any duly authorized
29 guardian of the person and property of such person appointed by
30 the surrogate [or the County Court of the county in which such
31 person resides,] or by the Superior Court, shall be authorized and
32 empowered to act for such person to the same extent as a duly
33 appointed guardian ad litem appointed by any court of this State
34 and shall have the right and authority to compromise and make
35 composition in behalf of such person of any disputed claim for
36 compensation arising under this chapter; provided the terms of
37 such compromise or composition shall be approved by an order of
38 the [workmen's compensation bureau] Division of Workers'
39 Compensation upon presentation of the facts and terms thereof
40 to the [bureau] Division, before the same shall become effective.

41 (cf: P.L.1953, c.33, s.53)

42 ¹[359.] ²[362.1] 361.² R.S.34:15-46 is amended to read as
43 follows:

44 34:15-46. In case a person under the age of twenty-one years
45 shall be entitled to receive a sum or sums amounting, in the
46 aggregate, to not more than two hundred fifty dollars (\$250.00) as
47 compensation for injuries, or as a distributive share under this
48 chapter, the father, mother or natural guardian upon whom said
49 person shall be dependent for support shall be authorized and

1 empowered to receive and receipt for such moneys to the same
2 extent as a guardian of the person and property of such person
3 duly appointed by the surrogate [or County Court] of the county
4 in which such person resides or by the Superior Court. The
5 release or discharge of such father, mother or natural guardian
6 shall be a full and complete discharge of all claims or demands
7 of the said person thereunder.

8 (cf: P.L.1953, c.33, s.54)

9 ~~1[360.]~~ ^{2[363.1]} ~~362.2~~ R.S.34:15-58 is amended to read as
10 follows:

11 34:15-58. A statement containing the date and place of
12 hearing, together with the decision, award, determination and
13 rule for judgment or the order approving settlement, shall be
14 legibly written in ink or typewritten and filed in the office of the
15 secretary at Trenton, by the officer hearing such cause, which
16 statement, together with the petition and answer, shall constitute
17 the record of the cause. A copy of the decision, award,
18 determination and rule for judgment or order approving
19 settlement, if same results in an award to the petitioner, shall, as
20 soon as practicable after the same is rendered, be filed in the
21 office of the clerk of the county in which the hearing was held,
22 and when so filed, shall have the same effect and may be
23 collected and docketed in the same manner as judgments
24 rendered in causes tried in the [County] Superior Court. The
25 employer may once every month file receipt of payment, verified
26 by affidavit that the receipts are accurate and true, with the
27 clerk of the court, which shall be entered in satisfaction of the
28 award, determination and rule for judgment or order approving
29 settlement, to the extent of such payments. The official
30 conducting the hearing shall, within fifteen days after the
31 rendering of the award, determination and rule for judgment or
32 order approving settlement, mail to each of the parties a
33 statement of the substance of the award, determination and rule
34 for judgment or order approving settlement, or a copy of such
35 award, determination and rule for judgment or order approving
36 settlement. The decision, award, determination and rule for
37 judgment or order approving settlement shall be final and
38 conclusive between the parties and shall bar any subsequent
39 action or proceeding, unless reopened by the Division of
40 [Workmen's] Workers' Compensation or appealed as hereinafter
41 provided.

42 (cf: P.L.1952, c.269, s.4)

43 ^{1[361.]} ^{2[364.1]} ~~363.2~~ R.S.34:15-60 is amended to read as
44 follows:

45 34:15-60. The director, each deputy director and each of the
46 referees shall have the same power as the [County] Superior
47 Court to issue subpoenas to compel the attendance of witnesses
48 and the production of books and papers. The fees for the
49 attendance of witnesses shall be such as are now provided for the

1 attendance of witnesses in other civil cases, and shall be paid by
2 the party arranging for the attendance of such witnesses. The
3 subpoenas shall be authenticated by the seal of the department,
4 and either party to any such proceeding may, without charge,
5 secure subpoenas from the director, a deputy director or any
6 referee. Misconduct on the part of any person attending a
7 hearing, or the failure of any witness, when duly subpoenaed to
8 attend or give testimony shall be punishable by the director,
9 each deputy director and each of the referees, in the same
10 manner as such failure is punishable by the [County] Superior
11 Court in a case therein pending.

12 (cf: P.L.1953, c.33, s.55)

13 ¹[362.] ²[365.1] ^{364.}² Section 2 of P.L.1956, c.209
14 (C.34:15-69.2) is amended to read as follows:

15 2. Such order shall by its terms discharge the employer from
16 any and all claims, demands or liabilities whatsoever for or on
17 account of such an award or the claim or claims upon which it is
18 based and shall substitute such third party as the respondent,
19 obligor and debtor of and on account of such award, the claim or
20 claims upon which it is based and any and all claims, demands or
21 liabilities whatsoever arising therefrom. The employee or the
22 dependents of the employee or the personal representatives
23 thereof shall have no further recourse whatsoever against such
24 employer, but shall have and retain all their rights against such
25 third party as though he were the employer against whom the
26 award was originally entered. Such order shall be filed in the
27 office of the secretary in Trenton in accordance with section
28 34:15-58 of this Title, and shall constitute part of the record in
29 the cause, and a copy of such order shall be filed in the office of
30 the clerk of the county in which the original award was filed,
31 shall be indexed and cross-indexed by said clerk to said original
32 award and, when so filed and indexed and cross-indexed to such
33 award, shall have the same effect as to such third party and may
34 be collected and docketed in the same manner as judgments
35 rendered in causes tried in the [County] Superior Court.

36 (cf: P.L.1956, c.209, s.2)

37 ¹[363.] ²[366.1] ^{365.}² R.S.34:15-84 is amended to read as
38 follows:

39 34:15-84. Every such contract shall further provide, or be
40 construed to provide, that any injured employee or his dependents
41 may enforce the provisions thereof to his or their benefit, either
42 by agreement with the employer and the insurance carrier, in
43 event that compensation be settled by agreement, or by joining
44 the insurance carrier with the employer in his petition filed for
45 the purpose of enforcing his claim for compensation, or by
46 subsequent application to the [County] Superior Court, upon the
47 failure of the employer, for any reason, to make adequate and
48 continuous compensation payments.

49 (cf: P.L.1953, c.33, s.61)

1 ~~1[364.] 2[367.1] 366.2~~ R.S.37:1-4 is amended to read as follows:
2 37:1-4. Except as provided in sections 37:1-5 and 37:1-6 of this
3 Title, the license shall not be issued by a licensing officer sooner
4 than 72 hours after the application therefor has been made;
5 provided, however, that the [County] Superior Court [of the
6 county or the juvenile and domestic relations court of the county]
7 may, by order, waive all or any part of said 72-hour period in
8 cases of emergency, upon satisfactory proof being shown to it.
9 Said order shall be filed with the licensing officer and attached
10 to the application for the license.

11 A license, when properly issued as provided in this article, shall
12 be good and valid only for 30 days after the date of the issuance
13 thereof.

14 (cf: P.L.1955, c.61, s.1)

15 ~~1[365.] 2[368.1] 367.2~~ R.S.37:1-6 is amended to read as follows:

16 37:1-6. A marriage license shall not be issued to a minor under
17 the age of 18 years, unless the parents or guardian of the minor,
18 if there be any, first certify under their hands and seals, in the
19 presence of two reputable witnesses, their consent thereto, which
20 consent shall be delivered to the licensing officer issuing the
21 license. If the parents, or either of them, or guardian of any such
22 minor shall be of unsound mind, the consent of such parent or
23 guardian to the proposed marriage shall not be required.

24 When a minor is under the age of 16 years, the consent required
25 by this section must be approved in writing by any judge of the
26 [county court of the county or any judge of the juvenile and
27 domestic relations court of the county] Superior Court, Chancery
28 Division, Family Part. Said approval shall be filed with the
29 licensing officer.

30 The licensing officer shall transmit to the State Bureau of
31 Vital Statistics all such consents, orders, and approvals so
32 received by him in the same manner and subject to the same
33 penalty as in the case of certificates of marriage and marriage
34 licenses.

35 If any such male applicant for a license to marry shall be a
36 minor under the age of 18 years, and shall have been arrested on
37 the charge of sexual intercourse with a single, widowed or
38 divorced female of good repute for chastity who has thereby
39 become pregnant, a license to marry the female may be
40 immediately issued by any licensing officer to the minor upon his
41 application therefor, without the consent or approval required by
42 this section.

43 (cf: P.L.1977, c.60, s.1)

44 ~~1[366.] 2[369.1] 368.2~~ Section 20 of P.L.1979, c.317
45 (C.38:23C-20) is amended to read as follows:

46 20. a. In the case of any person who, in order to perform
47 military service, has left or leaves a position, other than a
48 temporary position, in the employ of any employer, and who

49 (1) Receives a certificate of completion of military service

1 duly executed by an officer of the applicable force of the Armed
2 Forces of the United States or by an officer of the applicable
3 force of the organized militia;

4 (2) Is still qualified to perform the duties of such position; and

5 (3) Makes application for reemployment within 90 days after he
6 is relieved from such service, if such position was in the employ
7 of a private employer, such employer shall restore such person to
8 such position, or to a position of like seniority, status and pay,
9 unless the employer's circumstances have so changed as to make
10 it impossible or unreasonable to do so.

11 b. The benefits, rights and privileges granted to persons in the
12 military service by this section shall be extended to and be
13 applicable to any person who, in order to participate in
14 assemblies or annual training or in order to attend service schools
15 conducted by the Armed Forces of the United States for a period
16 or periods up to and including 3 months, temporarily leaves or has
17 left his position, other than a temporary position, in the employ
18 of any employer and who, being qualified to perform the duties of
19 such position, makes application for reemployment within 10 days
20 after completion of such temporary period of service; provided
21 that no such person shall be entitled to the said benefits, rights
22 and privileges for such attendance at any service school or
23 schools exceeding a total of 3 months during any 4-year period.

24 c. The benefits, rights and privileges granted to persons in the
25 military service by this section shall be extended to and be
26 applicable to any person who is or becomes a member of the
27 organized militia or of a reserve component of the Armed Forces
28 of the United States and who, because of such membership is
29 discharged by his employer or whose employment is suspended by
30 his employer because of such membership and who, being
31 qualified to perform the duties of such position, makes
32 application for reemployment or termination of the period of his
33 suspension within 10 days after such discharge or suspension.

34 d. Any person who is restored to a position in accordance with
35 the provision of this section shall be considered as having been on
36 furlough or leave of absence during his period of military service,
37 temporary service under paragraph b. hereof, or of discharge or
38 suspension under paragraph c. hereof, shall be so restored
39 without loss of seniority, shall be entitled to participate in
40 insurance or other benefits offered by the employer pursuant to
41 established rules and practices relating to employees on furlough
42 or leave of absence in effect with the employer at the time such
43 person entered the military service or commenced such
44 temporary service or was so discharged or suspended and shall not
45 be discharged from such position without cause, within 1 year
46 after such restoration.

47 e. In case any private employer fails or refuses to comply with
48 the provisions of this section the [County] Superior Court [of the
49 county in which such private employer maintains a place of

1 business.] shall have the power, upon the filing of a complaint, by
2 the person entitled to the benefits of such provisions, to
3 specifically require such employer to comply with such
4 provisions, and may, as an incident thereto, compensate such
5 person for any loss of wages or benefits suffered by reason of
6 such employer's unlawful action. The court shall order a speedy
7 hearing in any such case, and shall advance it on the calendar.

8 Any person claiming to be entitled to the benefits of the
9 provisions of this section may appear and be represented by
10 counsel, or, upon application to the Attorney General of the
11 State, may request that the Attorney General appear and act on
12 his behalf. If the Attorney General is reasonably satisfied that
13 the person so applying is entitled to such benefits, he shall appear
14 and act as attorney for such person in the amicable adjustment
15 of the claim, or in the filing of any complaint and the prosecution
16 thereof. In the hearing and determination of such applications
17 under this section no fees or court costs shall be assessed against
18 a person so applying for such benefits.

19 (cf: P.L.1979, c.317, s.20)

20 ¹[367.] ²[370.1] ³369.2 N.J.S.38A:11-8 is amended to read as
21 follows:

22 38A:11-8. Any officer of the militia charged with the care and
23 responsibility of public property may bring an action in the
24 [County court] Superior Court against any [resident of the county]
25 person who detains any arm, article of clothing or equipment, or
26 any military supplies, being the property of the United States or
27 of this [state] State. The court may proceed in the action in a
28 summary manner or otherwise, with a jury if a jury be demanded
29 by the defendant. The court may require the defendant to deliver
30 up such property to the plaintiff.

31 (cf: N.J.S.38A:11-8)

32 ¹[368.] ²[371.1] ³370.2 Section 6 of P.L.1975, c.328
33 (C.39:4-14.9) is amended to read as follows:

34 6. The enforcement of this act shall be vested in the Director
35 of the Division of Consumer Affairs of the Department of Law
36 and Public Safety, the inspectors appointed under his authority,
37 and the police or peace officers of, or inspectors duly appointed
38 for that purpose by, any municipality or county or by the State.
39 Jurisdiction of proceedings to collect the penalties prescribed by
40 this act is vested in the [County] Superior Court [the county
41 district court] and the municipal court in any [county or]
42 municipality where the defendant may be apprehended or where
43 he may reside. Process shall be either a summons or warrant and
44 shall be prosecuted in a summary manner pursuant to the Penalty
45 Enforcement Law (N.J.S.2A:58-1 et seq.).

46 (cf: P.L.1975, c.328, s.6)

47 ¹[369.] ²[372.1] ³371.2 R.S.39:5-2 is amended to read as follows:

48 39:5-2. The director shall have the same powers as are
49 conferred by this subtitle on a magistrate.

1 In considering violations of this subtitle, the director may hold
2 court in any municipality in the State, upon five days' notice
3 given to the defendants summoned to appear before him and shall
4 conduct the proceedings in compliance with, insofar as they are
5 applicable, the rules of the Supreme Court governing [local
6 criminal] municipal courts. The fees and costs shall be the same
7 as in a municipal court. Appeals from a court held by the
8 director shall, in the manner provided for an appeal from a
9 municipal court, be taken to the [County] Superior Court [of the
10 county in which the proceeding shall have taken place].

11 (cf: P.L.1953, c.36, s.5)

12 ¹[370.] ²[373.1] ³372.2 R.S.39:5-11 is amended to read as
13 follows:

14 39:5-11. If the defendant appeals to the [County] Superior
15 Court, the appeal shall operate as a consent to an amendment of
16 the complaint in that court so as to substitute a new or different
17 charge growing out of the act or acts complained of or the
18 circumstances surrounding such acts; and any provision of law
19 limiting the time within which any such charge may be brought or
20 proceedings taken in the prosecution thereof shall not operate
21 and shall be deemed to have been waived by the appeal.

22 (cf: P.L.1953, c.36, s.13)

23 ¹[371.] ²[374.1] ³373.2 R.S.39:7-2 is amended to read as follows:

24 39:7-2. (a) Any person, not being a resident of this State, who
25 shall drive a motor vehicle in this State, whether or not such
26 person shall be licensed to do so in accordance with the laws of
27 this State or of any other State or otherwise; and

28 (b) Any person or persons, not being a resident or residents of
29 this State or any corporation or association, not incorporated
30 under the laws of this State and not duly authorized to transact
31 business in this State, who by his, their or its agent or servant,
32 shall cause to be driven in this State, any motor vehicle which is
33 not registered in this State to be driven upon the public highways
34 thereof, pursuant to the laws thereof, whether or not the driver
35 thereof shall be licensed to drive a motor vehicle upon the public
36 highways of this State; shall, by the operation of such motor
37 vehicle, or by causing the same to be operated, within this State,
38 make and constitute the Director of the Division of Motor
39 Vehicles in the Department of Law and Public Safety, his or their
40 agent for the acceptance of process in any civil action or
41 proceeding, issuing out of [any district court, County] the
42 Superior Court, or other court of civil jurisdiction, against any
43 such person or persons, corporation or association arising out of
44 or by reason of any accident or collision occurring within this
45 State in which any such motor vehicle, so driven or caused to be
46 driven within this State is involved.

47 The agreement that the Director of the Division of Motor
48 Vehicles in the Department of Law and Public Safety shall be
49 constituted the agent, of a nonresident operator or owner of a

1 motor vehicle, which is involved in any accident in this State, for
2 the acceptance of process in any such action or proceeding, shall
3 be irrevocable and binding upon the executor or administrator of
4 such operator or owner, and service of process shall be made upon
5 the executor or administrator of any such operator or owner
6 dying prior to the commencement of such action or proceeding in
7 the same manner and on the same notice as herein provided for
8 service of process upon such operator or owner, and any such
9 action or proceeding, duly commenced by service upon such an
10 operator or owner under the provisions of this chapter, who shall
11 die thereafter during the pendency of such action or proceeding,
12 shall be continued against his executor or administrator by the
13 court in which the same is pending, upon such application and
14 notice as the court shall prescribe. The operating or causing to
15 be operated of any such motor vehicle within this State shall be
16 the signification of the agreement of such nonresident person
17 operating the same, or of such person or persons or corporation or
18 association for whom such motor vehicle is operated, of his,
19 their or its agreement that any such process against him, or
20 them, or it, or against his or their executors or administrators,
21 which is so served shall be of the same legal force and validity as
22 if served upon him or them personally or upon it in accordance
23 with law within this State.

24 (cf: P.L.1971, c.104, s.1)

25 ¹[372.] ²[375.1] ³374.² Section 1 of P.L.1954, c.61 (C.39:7-2.1)
26 is amended to read as follows:

27 1. Any resident of this State who shall drive a motor vehicle, or
28 cause a motor vehicle to be driven in this State, whether or not
29 such motor vehicle is register under the laws of this State and
30 whether or not such person or the driver of such motor vehicle is
31 licensed to drive a motor vehicle upon the highways of this
32 State, shall by the operation of such motor vehicle, or by causing
33 the same to be operated, within this State, make and constitute
34 the Director of the Division of Motor Vehicles in the
35 Department of Law and Public Safety his agent for the
36 acceptance of process, in any civil action or proceeding, issuing
37 out of [any county district court, County] the Superior Court or
38 other court of civil jurisdiction of this State against him by
39 reason of an accident or collision in this State in which such
40 motor vehicle, while so driven or caused to be driven, shall be
41 involved if, and in case, such person shall cease to be a resident
42 of this State and service of such process upon him within this
43 ~~State cannot be made by reason of his nonresidence.~~ The
44 operating or causing to be operated of any such motor vehicle
45 within this State shall be his signification of the agreement of
46 such person operating the same or the person for whom such
47 motor vehicle is operated of his agreement that any such process
48 against him which is so served after he becomes a nonresident of
49 this State shall be of the same legal force and validity as if

1 served upon him personally in accordance with law within this
2 State. The agreement that the Director of the Division of Motor
3 Vehicles in the Department of Law and Public Safety shall be
4 constituted the agent, of a resident operator or owner of a motor
5 vehicle who becomes a nonresident, which is involved in any
6 accident in this State, for the acceptance of process in any such
7 action or proceeding, shall be irrevocable and binding upon the
8 executor or administrator of such operator or owner, whether
9 appointed within or without the State, and service of process
10 shall be made upon the said executor or administrator of any such
11 operator or owner dying prior to the commencement of such
12 action or proceeding in the same manner and on the same notice
13 as herein provided for service of process upon such operator or
14 owner, and any such action or proceeding, duly commenced by
15 service upon such an operator or owner under the provisions of
16 this act, who shall die thereafter during the pendency of such
17 action or proceeding, shall be continued against his said executor
18 or administrator by the court in which the same is pending, upon
19 such application and notice as the court shall prescribe.

20 (cf: P.L.1971, c.104, s.3)

21 ~~1[373.]~~ ~~2[376.1]~~ ~~375.2~~ R.S.39:7-3 is amended to read as follows:

22 39:7-3. Service of process upon the director shall be made by
23 leaving the original and a copy of the summons and two copies of
24 the complaint, with a fee of \$10.00, in the hands of the director,
25 or someone designated by him in his office, or, in [the following
26 actions, by serving the same, as follows: (a) if the] an action [is]
27 commenced in any county other than Mercer county, then the
28 ~~sheriff or other authorized person [~~ or (b) if the action is
29 commenced in the county district court of any county other than
30 Mercer county, then the clerk of the court] may serve the
31 director by mailing such papers to him by registered mail, with
32 the said fee. Such service shall be sufficient service upon the
33 nonresident chauffeur, operator or owner, if

34 a. Notice of such service and a copy of the summons with a
35 copy of the complaint are forthwith sent by registered mail to
36 the defendant by the director, or someone designated by him in
37 his office; and

38 b. Defendant's return receipt and the affidavit of the director,
39 or such person in his office acting for him, of the compliance
40 herewith, including a statement of the date of such mailing and
41 of the receipt of the return card, are appended to the original of
42 the summons and the other copy of the complaint and filed in the
43 office of the clerk of the court wherein the action may be
44 ~~pending; or~~

45 c. Notice of such service with a copy thereof and the original
46 and a copy of the summons and two copies of the complaint are
47 forthwith sent by registered mail by the director, or the person
48 in his office acting for him, to the sheriff or other process server
49 in the jurisdiction in which the defendant resides, with directions

1 that such sheriff or process server, or someone acting for such
2 sheriff or process server, shall serve the same upon the defendant
3 in the same manner that service is legally effected in that
4 jurisdiction, and the return of such sheriff or process server, or
5 the person acting for such sheriff or process server in such
6 jurisdiction, shall be appended to or endorsed upon the original
7 summons and a copy of the complaint and returned to the
8 director, and thereafter filed in the office of the clerk of the
9 court wherein the action may be pending in this State; or

10 d. Notice of such service and a copy of the summons and
11 complaint may be served on the defendant personally by any
12 official or private individual, wherever such service may be
13 made, and, upon service being so made, an affidavit shall be made
14 by the person effecting such service, showing the person served
15 and the time and place of such service, which affidavit shall be
16 appended to the original summons and one copy of the complaint
17 and returned to the director, and be thereafter filed in the office
18 of the clerk of the court wherein the action may be pending in
19 this State; or

20 e. Notice of such service and a copy of the summons and
21 complaint may be served on the defendant in any other manner
22 that the court in which the cause is pending shall deem sufficient
23 and expedient.

24 If, by direction of plaintiff, notice of service is given as
25 provided by paragraph c. of this section, plaintiff shall, in
26 addition to the fee of \$10.00 required by the first paragraph of
27 this section, deposit with the director sufficient money to
28 effectuate the same.

29 Upon giving notice to the defendant of the service of process
30 as required by this chapter, where service of process is made
31 upon the director, he shall file with the clerk of the court his
32 certificate of the notice given.

33 If notice of service is given as provided by paragraph d. of this
34 section, plaintiff shall pay the cost thereof.

35 (cf: P.L.1982, c.53, s.3)

36 ¹[374.] ²[377.1] ³376.² Section 2 of P.L.1971, c.311 ²[s.2]²
37 (C.39:10-9.2) is amended to read as follows:

38 2. Any person who transfers or attempts to transfer a motor
39 vehicle in violation of this act shall be subject to a fine of
40 \$150.00 for a first offense and \$250.00 for each subsequent
41 offense. Such offense shall be prosecuted in the Superior Court
42 or in the municipal [or county district] court.

43 (cf: P.L.1971, c.311, s.2)

44 ¹[375.] ²[378.1] ³377.² R.S.40:20-10 is amended to read as
45 follows:

46 40:20-10. If any voter is not entitled or doubts his right to vote
47 under sections 40:20-2 to 40:20-19 of this Title he may apply to a
48 judge of the [County] Superior Court [of the county] for a
49 certificate entitling him to vote.

1 The judge shall hear the matter in a summary manner and if he
2 finds that the applicant is a legal voter of the county, he shall
3 issue a certificate under his hand, addressed to the board of
4 registry and election of the election district in which the voter
5 resides, directing it to permit the applicant to vote hereunder.

6 The certificate shall be returned by the board with its other
7 returns.

8 (cf: P.L.1953, c.37, s.23)

9 ¹[376.] ²[379.1] 378.2 R.S.40:20-75 is amended to read as
10 follows:

11 40:20-75. The stated annual meeting of the boards of chosen
12 freeholders shall be held at the place of holding the [County]
13 Superior Court in [and for] the respective counties at 12 noon on
14 either the first or second day of January or on some other hour on
15 any day during the first week in January, annually, as the board,
16 by resolution passed before said meeting, may determine. If the
17 date so fixed shall fall upon a Sunday the meeting shall be held
18 the following day, unless said resolution authorizes the meeting
19 to be held on a Sunday.

20 (cf: P.L.1977, c.394, s.1)

21 ¹[377.] ²[380.1] 379.2 R.S.40:24-9 is amended to read as
22 follows:

23 40:24-9. The word "court" as used in this chapter means and
24 includes [any county district court or criminal judicial district
25 court] the Superior Court, municipal court and any judge having
26 the powers of a committing magistrate; and jurisdiction for the
27 purpose mentioned herein is hereby conferred upon said courts
28 and judges respectively.

29 (cf: P.L.1953, c.37, s.45)

30 ¹[378.] ²[381.1] 380.2 R.S.40:33-14 is amended to read as
31 follows:

32 40:33-14. The board of chosen freeholders may maintain at the
33 courthouse a law library for the use of the courts held in the
34 county, and for that purpose shall purchase such reports and
35 statutes of the United States, the State of New Jersey and other
36 States and countries and such textbooks as may be designated by
37 the assignment judge of the [County] Superior Court [or, in
38 counties where there are 2 or more county judges, by a majority
39 thereof]. The amount so expended shall not exceed the sum fixed
40 annually by the board of chosen freeholders.

41 (cf: P.L.1954, c.250, s.1)

42 ¹[379.] ²[382.1] 381.2 R.S.40:37-153 is amended to read as
43 follows:

44 40:37-153. The rules and regulations provided for in section
45 40:37-152 of this Title shall be enforced in the same manner as
46 municipal ordinances, in [the county district court or] a municipal
47 court of any municipality in the county. On the conviction of the
48 offender, in default of the payment of the penalty imposed, the
49 court may commit him to the county jail for a term not

CORRECTION

W

**PRECEDING IMAGE HAS BEEN
REPEATED
TO ASSURE LEGIBILITY OR TO
CORRECT A POSSIBLE ERROR**

1 The judge shall hear the matter in a summary manner and if he
2 finds that the applicant is a legal voter of the county, he shall
3 issue a certificate under his hand, addressed to the board of
4 registry and election of the election district in which the voter
5 resides, directing it to permit the applicant to vote hereunder.

6 The certificate shall be returned by the board with its other
7 returns.

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36 States and countries and such textbooks as may be designated by
37 the assignment judge of the [County] Superior Court [or, in
38 counties where there are 2 or more county judges, by a majority
39 thereof]. The amount so expended shall not exceed the sum fixed
40 annually by the board of chosen freeholders.

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43 follows:

44 40:37-153. The rules and regulations provided for in section
45 40:37-152 of this Title shall be enforced in the same manner as
46 municipal ordinances, in [the county district court or] a municipal
47 court of any municipality in the county. On the conviction of the
48 offender, in default of the payment of the penalty imposed, the
49 court may commit him to the county jail for a term not

1 exceeding ten days.

2 (cf: P.L.1953, c.37, s.88)

3 ¹[380.] ²[383.1] 382.² R.S.40:37-156 is amended to read as
4 follows:

5 40:37-156. No member or officer of the police force or police
6 department shall be removed except after trial and conviction by
7 the park commission, or a member or members thereof, of the
8 violation of proper rules and regulations for the appointment,
9 control and management of members of such force or department
10 and for the securing of proper discipline and efficiency among the
11 members thereof.

12 The park commission, or the member or members thereof
13 before whom such trial is to be had, shall have and are hereby
14 given the power to issue writs of subpoena under the seal of the
15 park commission and signed by the secretary or by one of the
16 ~~members of the park commission,~~ to compel the attendance of
17 witnesses in this State and the production of papers in support of
18 the charges. Upon the request of the person to be tried, like
19 writs of subpoena shall be issued in his behalf. The fees for
20 witnesses for attendance and travel shall be the same as allowed
21 witnesses before the [court of common pleas] Superior Court.

22 Every person, who neglects or refuses to obey the command of
23 such writ and who shall have been paid the proper witness fees,
24 shall be liable to a penalty of fifty dollars (\$50.00), to be sued for
25 in the name of the park commission in any court of competent
26 jurisdiction and the penalty, when collected, shall be paid into
27 the maintenance fund of the park commission.

28 (cf: P.L.1946, c.27, s.1)

29 ¹[381.] ²[384.1] 383.² R.S.40:37-156A is amended to read as
30 follows:

31 40:37-156A. Any member or officer of any such police force or
32 police department not operating under the provisions of subtitle
33 three of Title 11 of the Revised Statutes who has been convicted
34 of any violation of any of the rules or regulations of such
35 department by the official or board empowered to try members
36 of such police department may obtain a review of such conviction
37 in the [County] Superior Court [of the county in which such
38 county park is situated]. Such review shall be obtained by giving
39 written notice of an application for review to the officer or board
40 convicting the member of such department within ten days after
41 notice of such conviction is given to the member convicted. The
42 officer or board making such conviction shall send to the court a
43 copy of the record of such conviction, including the rule or
44 regulation violated and the charge or charges upon which the
45 applicant was tried. Such court shall retry such charge or
46 charges de novo and either affirm or reverse such conviction.
47 The court may order or adjudge that the applicant be returned to
48 any office or position from which he may have been removed
49 under such conviction and that he be restored to all things he may

1 have lost thereby, and may make such other order or judgment as
2 it shall deem proper under the circumstances.

3 (cf: P.L.1953, c.37, s.90)

4 ¹[382.] ²[385.1] 384.² R.S.40:43-21 is amended to read as
5 follows:

6 40:43-21. If the joint committee shall be unable to agree upon
7 a division of the assets or debts of said municipalities, or in case
8 any of the municipalities desires to have such allotment and
9 division made by commissioners, the governing body of any of the
10 municipalities may apply to a judge of the [County] Superior
11 Court [of the county] for the appointment of three disinterested
12 persons as commissioners, who shall make the above appraisal and
13 apportionment in the manner hereinbefore provided; and their
14 determination in writing, signed by any two of them, shall be
15 binding and conclusive upon each of the municipalities. The
16 commissioners shall receive such compensation for their services
17 as the judge shall by order determine, to be paid by the
18 municipalities equally.

19 (cf: P.L.1953, c.37, s.152)

20 ¹[383.] ²[386.1] 385.² Section 1 of P.L.1978, c.113
21 (C.40:48-1.1) is amended to read as follows:

22 1. Whenever any municipality, pursuant to law or pursuant to
23 any ordinance, code, rule or regulation adopted pursuant to law,
24 undertakes the removal or demolition of any building or
25 structure which is dangerous to human life or the public welfare
26 or which constitutes a fire hazard, the governing body of the
27 municipality, in addition to assessing the cost of such removal or
28 demolition as a municipal lien against the premises, may enforce
29 the payment of such assessment, together with interest, as a debt
30 of the owner of the premises and may authorize the institution
31 of an action at law for the collection thereof. The [superior
32 court, a county court, or a county district court] Superior Court
33 shall have jurisdiction of any such action.

34 (cf: P.L.1978, c.113, s.1)

35 ¹[384.] ²[387.1] 386.² Section 36 of P.L.1970, c.326
36 (C.40:48C-36) is amended to read as follows:

37 36. As an additional remedy, the chief fiscal officer of the
38 municipality adopting any ordinance hereunder may issue a
39 certificate to the clerk of the Superior Court [or to the clerk of
40 the Law Division of the County Court of any county,] that any
41 person is indebted under such ordinance in an amount as shall be
42 stated in the certificate. Thereupon, the clerk to whom such
43 certificate shall have been issued shall immediately enter upon
44 his record of documented judgments the name of such person, the
45 address of the place of business where such tax liability was
46 incurred, the amount of the debt so certified and the date of
47 making such entry. The making of the entries shall have the
48 same force and effect as the entry of a documented judgment in
49 the office of such clerk, and said fiscal officer shall have all the

1 remedies and may take all the proceedings for the collection
2 thereof which may be had or taken upon the recovery of a
3 judgment in an action, but without prejudice to the taxpayer's
4 right of appeal.

5 (cf: P.L.1970, c.326, s.36)

6 ¹[385.] ²[388.¹] 387.² R.S.40:63-65 is amended to read as
7 follows:

8 40:63-65. If any land, or any public street, road or highway in
9 any municipality shall be injured by a flow of water occasioned by
10 the neglect or refusal of the proper officers of an adjoining
11 municipality to open and keep open therein, cleanse, or keep in
12 repair, gutters, drains or ditches, properly to dispose of such
13 flow of water, the owner of the land injured, or the governing
14 body of the municipality wherein the street, road or highway so
15 injured is situated, may present to the [County] Superior Court
16 [of the county in which the adjoining municipality is situated,] an
17 application setting forth the facts. The court, thereupon, shall
18 appoint three freeholders of the county, not residents of either
19 municipality, who, having first taken an oath faithfully and
20 impartially to act in the premises, shall proceed to inquire into
21 the alleged injury on their own view, or by the testimony of
22 witnesses.

23 (cf: P.L.1953, c.37, s.223)

24 ¹[386.] ²[389.¹] 388.² R.S.40:63-67 is amended to read as
25 follows:

26 ~~40:63-67. Any person or persons or municipality may, within~~
27 ~~sixty days after the filing of said report, have the decision of said~~
28 ~~freeholders reviewed by the [County] Superior Court[, of said~~
29 ~~county]. Such review may be taken in the proceeding wherein~~
30 ~~said freeholders were appointed or in an action, and the court~~
31 ~~shall finally determine the matter. Reasonable costs and~~
32 ~~expenses, including proper fees for said freeholders, against the~~
33 ~~municipality originally in default in the premises may be allowed.~~

34 (cf: P.L.1953, c.37, s.224)

35 ¹[387.] ²[390.¹] 389.² R.S.40:68-15 is amended to read as
36 follows:

37 40:68-15. Any person aggrieved by any decision of the
38 governing body, either granting or refusing in whole or in part
39 application for a license as provided in section 40:68-12 of this
40 Title, may, within thirty days thereafter, obtain a review thereof
41 by instituting an action in the [County] Superior Court [of the
42 county in which the municipality is located], joining as parties
43 defendant all persons legally interested therein. The court shall
44 proceed in the action in a summary manner or otherwise. The
45 judgment of the court thereon shall be final and conclusive.

46 (cf: P.L.1953, c.37, s.235)

47 ¹[388.] ²[391.¹] 390.² R.S.40:75-39 is amended to read as
48 follows:

49 40:75-39. A judge of the [County] Superior Court shall sit in a

1 public place in the municipality where the recall election is to be
2 held on at least one day in the week prior to the day of the
3 election. He may by order grant transfers and place upon the
4 registry books the names of legal voters whose names were not
5 upon the registry books of the last general election, but who
6 would be entitled to be registered if the recall election was in
7 fact a general election. There shall be no other registration day
8 nor shall there be any primary election for the nomination of
9 candidates, before the recall election.

10 (cf: P.L.1953, c.37, s.242)

11 ¹[389.] ²[392.1] 391.2 R.S.40:151-53 is amended to read as
12 follows:

13 40:151-53. If the joint committee herein provided for should be
14 unable to agree upon a division of the assets or debts of said fire
15 districts, or if either of said fire districts desires to have such
16 allotment and division made by commissioners appointed by the
17 [County] Superior Court, then the commissioners of either of said
18 fire districts may apply to the [County] Superior Court [of the
19 county in which such districts are situated] for the appointment
20 of three disinterested persons as commissioners, who shall make
21 the above appraisalment and apportionment in the manner
22 hereinbefore provided. Their determination in writing, signed by
23 any two of them, shall be binding and conclusive upon each of
24 said districts. Such commissioners shall receive for their services
25 such compensation as the court may think proper, to be paid for
26 by said fire districts equally.

27 (cf: P.L.1953, c.37, s.288)

28 ¹[390.] ²[393.1] 392.2 N.J.S.40A:5-37 is amended to read as
29 follows:

30 40A:5-37. Upon application to the [county court of a county]
31 Superior Court by a citizen and taxpayer thereof, alleging that
32 the condition of the bond of any officer, member of committee or
33 employee of the local unit has been broken, the court shall make
34 such investigation regarding the truth of the allegations as it
35 shall deem proper, and in its discretion may order an action to be
36 brought upon the bond in the name of the local unit, or otherwise,
37 for the benefit of the local unit or any officer, board or
38 department thereof.

39 (cf: N.J.S.40A:5-37)

40 ¹[391.] ²[394.1] 393.2 N.J.S.40A:9-50 is amended to read as
41 follows:

42 40A:9-50. The Superior Court [or the County Court of the
43 county], upon the application of a proper party, may order the
44 disinterment of any dead body, where an investigation of the
45 cause of death is authorized, under the supervision and direction
46 of the county medical examiner and authorize said official to
47 remove the body to a public morgue for the purpose of
48 examination or autopsy. The court shall direct the giving of or
49 dispensing with notice.

50 (cf: N.J.S.40A:9-50)

1 1[392.] 2[395.1] 394.2 N.J.S.40A:9-63 is amended to read as
2 follows:

3 40A:9-63. Every person who shall be elected clerk of a county,
4 before entering into his office shall give his bond to the State of
5 New Jersey and the county as their interest may appear, with
6 sufficient corporate surety, to be approved by the assignment
7 judge of the [County] Superior Court [if the county has only one
8 county judge but if more than one county judge, by the county
9 judge senior in service,] in the sum of \$15,000.00 or in such
10 greater sum not exceeding \$50,000.00 as the judge may order.
11 [The Superior Court assignment judge for the county instead of
12 the county judge may fix the amount of, and approve such bond].

13 The bond shall be conditioned that he will well and truly
14 execute the office of clerk of the county of (insert name of
15 county) and faithfully, impartially and justly perform and execute
16 all of the duties pertaining to such office, with respect to the
17 State of New Jersey, the said county and all persons concerned.

18 The bond approved by the judge together with the oath of
19 office, shall be filed in the office of the Secretary of State of
20 New Jersey and duplicates with the clerk of the board of chosen
21 freeholders of the county.

22 (cf: N.J.S.40A:9-63)

23 1[393.] 2[396.1] 395.2 N.J.S.40A:9-68 is amended to read as
24 follows:

25 40A:9-68. The county clerk shall perform for the Superior
26 Court the duties pertaining thereto in their respective counties as
27 prescribed by law and applicable to the Supreme Court rules for
28 the administration of the courts.

29 The county clerk, either in person or by deputy, shall attend
30 the sessions of the [court of which he is clerk and of the] Superior
31 Court held in the county and keep the minutes of the proceedings
32 of said courts. The clerk and his deputy shall be under the
33 supervision of the assignment judge of the Superior Court for the
34 county [and the County Court judges]. The minutes of said courts
35 shall be open to the public at all proper and reasonable hours.

36 (cf: N.J.S.40A:9-68)

37 1[394.] 2[397.1] 396.2 N.J.S.40A:9-72 is amended to read as
38 follows:

39 40A:9-72. The county clerk, at the expiration of his term of
40 office or other termination thereof, or his executor or
41 administrator, if said county clerk shall die during said term,
42 shall, in the presence of a Superior [or County] Court judge,
43 transfer the official records, documents, books, papers or
44 writings and all moneys deposited or held by or for him as such
45 official to his successor in office. Upon said transfer the
46 successor in office shall sign and acknowledge a receipt
47 therefor. The Superior Court [or County Court] judge shall
48 certify to such transfer and the certificate together with the
49 receipt shall forthwith be filed in the office of the Secretary of

1 State under the direction of the judge.

2 (cf: N.J.S.40A:9-72)

3 ¹[395.] ²[398.1] 397.² N.J.S.40A:9-74 is amended to read as
4 follows:

5 40A:9-74. Every county clerk may appoint a deputy clerk to
6 hold office during the pleasure of the county clerk and upon
7 occurrence of a vacancy in the office of a county clerk by
8 ~~expiration of term, death, resignation or otherwise, the deputy~~
9 clerk shall have the same powers and perform all the duties of
10 the office of county clerk until the vacancy is filled as provided
11 by law.

12 During the absence or disability of the county clerk the deputy
13 clerk shall have the powers of the county clerk and perform the
14 duties of the office.

15 The county clerk may appoint from among the employees in his
16 office special deputy clerks to serve during his pleasure and
17 prescribe their duties. No additional compensation shall be paid
18 for such designation.

19 During the absence or disability of both the county clerk and
20 deputy clerk, the senior special deputy clerk shall have the
21 powers of the county clerk and perform the duties of the office.

22 ~~The county clerk shall select and employ necessary clerks and~~
23 other employees. Every deputy clerk and special deputy clerk
24 shall take and subscribe before a judge of the [County] Superior
25 Court an oath of office in like form and character as that
26 required to be taken by the county clerk. Appointments and
27 oaths of office shall be filed in the office of the county clerk.

28 (cf: N.J.S.40A:9-74)

29 ¹[396.] ²[399.1] 398.² N.J.S.40A:9-84 is amended to read as
30 follows:

31 40A:9-84. Every person who shall be elected register of deeds
32 and mortgages of a county, before entering into his office shall
33 give his bond to the State of New Jersey and the county as their
34 interest may appear, with sufficient corporate surety, to be
35 approved by the [county] assignment judge of the [County]
36 Superior Court [if the county has only one county judge but if
37 more than one county judge, by the judge senior in service,] in
38 the sum of \$15,000, or in such greater sum not exceeding
39 \$50,000, as the judge may order. [The Superior Court assignment
40 judge for the county instead of the county judge may fix the
41 amount of, and approve such bond.]

42 The bond shall be conditioned that he will well and truly
43 execute the office of register of deeds and mortgages of the
44 county of (insert name of county) and faithfully, impartially and
45 justly perform and execute all of the duties pertaining to such
46 office, with respect to the State of New Jersey, the said county
47 and all persons concerned.

48 The bond approved by the judge together with the oath of
49 office shall be filed in the office of the Secretary of State of

1 New Jersey and duplicates with the clerk of the board of chosen
2 freeholders of the county.

3 (cf: N.J.S.40A:9-84)

4 ¹[397.] ²[400.1] 399.² N.J.S.40A:4-91 is amended to read as
5 follows:

6 ~~40A:4-91. Every register of deeds and mortgages may appoint a~~
7 ~~deputy register of deeds and mortgages to hold office during the~~
8 ~~pleasure of the said register and upon the occurrence of a~~
9 ~~vacancy in the office of the register by expiration of term,~~
10 ~~death, resignation or otherwise, the deputy register shall have the~~
11 ~~same powers and perform all the duties of the office of the~~
12 ~~register of deeds and mortgages until the vacancy is filled as~~
13 ~~provided by law.~~

14 During the absence or disability of the register of deeds and
15 mortgages the deputy register shall have the powers of the
16 register and perform the duties of the office. At the register's
17 request and under his supervision, the deputy register shall have
18 full power to perform the duties of the office of register of deeds
19 and mortgages including the signing of the name of the register
20 of deeds and mortgages upon any or all documents left for
21 recording or filing in said office to the same extent as the
22 register of deeds and mortgages himself might sign. The said
23 register may appoint from among the employees in his office
24 special deputy registers to serve during his pleasure and
25 prescribe their duties. During the absence or disability of both
26 the register and the deputy register the senior special deputy
27 register shall have the powers of the register and perform the
28 duties of the office. The register shall select and employ the
29 necessary clerks and other personnel. Every deputy register shall
30 take and subscribe before a judge of [a County] the Superior
31 Court an oath of office in like form and character as that
32 required to be taken by the register. The oath of office of the
33 deputy shall be filed in the office of the Secretary of State.

34 (cf: N.J.S.40A:9-91)

35 ¹[398.] ²[401.1] 400.² N.J.S.40A:9-95 is amended to read as
36 follows:

37 40:9-95. Every sheriff shall enter into bond to the State of New
38 Jersey and the county wherein he is sheriff, with sufficient
39 corporate surety to be approved by the assignment judge of the
40 [County] Superior Court [if the county has only one county judge,
41 but if more than one county judge, by the county judge senior in
42 service,] in the sum of \$15,000.00, or in such greater sum not
43 exceeding \$50,000.00, as the said judge may order. [The Superior
44 Court assignment judge for the county, instead of the county
45 judge, may fix the amount of, and approve such bond.]

46 The bond shall be conditioned that he will well and truly
47 execute the office of sheriff of the county of (insert name of
48 county) and faithfully, impartially and justly perform all of the
49 duties pertaining to such office, with respect to the State of New

1 Jersey, the said county and all persons concerned.

2 The bond approved by the judge together with the oath of
3 office, shall be filed in the office of the Secretary of State of
4 New Jersey and duplicates with the clerk of the board of chosen
5 freeholders of the county.

6 (cf: N.J.S.40A:9-95)

7 ¹[399.] ²[402.¹] 401.² N.J.S.40A:9-97 is amended to read as
8 follows:

9 40:9-97. The taking of the oath of office and the execution of
10 the required bond by a newly elected sheriff shall be certified by
11 [the] a Superior [or County] Court judge[, as the case may be,] to
12 the Governor in connection with the issuance of the sheriff's
13 commission.

14 (cf: N.J.S.40A:9-97))

15 ¹[400.] ²[403.¹] 402.² N.J.S.40A:9-111 is amended to read as
16 follows:

17 40A:9-111. All bonds required by law to be taken by the sheriff
18 shall be recorded in the office of the county clerk in a book to be
19 provided for that purpose, and upon being so recorded, shall have
20 the force and effect of a recognizance. A copy of the bond duly
21 certified by the county clerk shall be evidential in any court and
22 have the same effect as if the original bond were produced and
23 proven. Where the condition of any such bond shall have been
24 fully complied with, the sheriff shall execute a warrant to cancel
25 the bond and the record thereof. Any such bond may be cancelled
26 and discharged by such warrant or by the [County Court or the]
27 Superior Court and a notation of said discharge shall be entered
28 in the said book.

29 (cf: N.J.S.40A:9-111)

30 ¹[401.] ²[404.¹] 403.² N.J.S.40A:9-115 is amended to read as
31 follows:

32 40A:9-115. The appointment of an undersheriff shall be by
33 writing under the hand and seal of the sheriff. Every
34 undersheriff, before he assumes his office, shall take and
35 subscribe before [a judge of the County Court of the county or] a
36 judge of the Superior Court, an oath that he will well and
37 faithfully, impartially and justly execute the office of
38 undersheriff, according to the best of his ability and judgment.
39 His appointment, with the certificate of his oath indorsed thereon
40 and attested by the judge, shall be filed in the office of the
41 county clerk. Nothing in this section shall prevent the sheriff at
42 his pleasure from removing an undersheriff.

43 (cf: N.J.S.40A:9-115)

44 ¹[402.] ²[405.¹] 404.² N.J.S.40A:9-126 is amended to read as
45 follows:

46 40A:9-126. Actions on a constable's bond may be prosecuted in
47 the Superior Court [or a County Court] in like manner as in the
48 case of actions on a sheriff's bond. Applications incidental to
49 such actions may be made to the Superior Court [or County

1 Court] in similar manner as in the case of applications incidental
2 to actions and proceedings on official bonds as provided in Title
3 2A of the New Jersey Statutes. In any such action or proceeding
4 any party in interest shall be entitled on demand to a jury trial.
5 In any such action or proceeding a municipality shall not be liable
6 for costs unless otherwise provided by the rules of the court.

7 If any person shall sustain loss by the neglect or default of any
8 constable in the discharge of his official duties such person shall
9 have an action in his own right upon the constable's bond.

10 (cf: N.J.S.40A:9-126)

11 ¹[403.] ²[406.1] 405.² N.J.S.40A:9-127 is amended to read as
12 follows:

13 40A:9-127. The Superior Court [and the County Court of the
14 county] shall have jurisdiction over actions or proceedings
15 involving money payable to or by a constable and may make
16 appropriate orders and judgments, in a summary manner, in the
17 case of absconding, insolvent, incapacitated or deceased
18 constables.

19 (cf: N.J.S.40A:9-127)

20 ¹[404.] ²[407.1] 406.² R.S.41:2-13 is amended to read as
21 follows:

22 41:2-13. If the county clerk be absent, removed or dead, then
23 any judge of the [County] Superior Court may administer the
24 oaths of office and allegiance to the persons, or any of them,
25 required to take the same in and by section 41:2-11 of this Title.
26 The judge shall report the name of the person to whom said oaths
27 were administered, and the date thereof, to the said clerk or his
28 successor, who shall enroll the same and transmit a copy of such
29 enrollment to the Secretary of State, as is directed by section
30 41:2-12 of this Title.

31 (cf: P.L.1953, c.39, s.9)

32 ¹[405.] ²[408.1] 407.² R.S.41:2-14 is amended to read as
33 follows:

34 41:2-14. In case of the absence, removal, death, or any other
35 disability of the county clerk of any county, any judge of the
36 [County] Superior Court may administer the oaths of office and
37 allegiance to commissioners of deeds, notaries public or other
38 persons required to take the same before such clerk, and any
39 official's oath so administered shall be as effectual in law as if
40 taken in the manner prescribed by law.

41 (cf: P.L.1953, c.39, s.10)

42 ¹[406.] ²[409.1] 408.² R.S.41:2-15 is amended to read as
43 follows:

44 41:2-15. Any judge of the [County] Superior Court or any
45 commissioned officer of the United States Army, Navy or Marine
46 Corps may administer the oaths of office and allegiance to the
47 person who shall be elected or appointed county clerk; and the
48 clerk shall thereupon enroll his own name and the time of his
49 being sworn into office, and transmit a copy of such enrollment

CORRECTION



**PRECEDING IMAGE HAS BEEN
REPEATED
TO ASSURE LEGIBILITY OR TO
CORRECT A POSSIBLE ERROR**

1 Court] in similar manner as in the case of applications incidental
2 to actions and proceedings on official bonds as provided in Title
3 2A of the New Jersey Statutes. In any such action or proceeding
4 any party in interest shall be entitled on demand to a jury trial.
5 In any such action or proceeding a municipality shall not be liable
6 for costs unless otherwise provided by the rules of the court.

7 If any person shall sustain loss by the neglect or default of any
8 constable in the discharge of his official duties such person shall
9 have an action in his own right upon the constable's bond.
10 (cf: N.J.S.40A:9-126)

11 ¹[403.] ²[406.1] 405.² N.J.S.40A:9-127 is amended to read as
12 follows:

13 40A:9-127. The Superior Court [and the County Court of the
14 county] shall have jurisdiction over actions or proceedings
15 involving money payable to or by a constable and may make
16 appropriate orders and judgments, in a summary manner, in the
17 case of absconding, insolvent, incapacitated or deceased
18 constables.

19 (cf: N.J.S.40A:9-127)

20 ¹[404.] ²[407.1] 406.² R.S.41:2-13 is amended to read as
21 follows:

22 41:2-13. If the county clerk be absent, removed or dead, then
23 any judge of the [County] Superior Court may administer the
24 oaths of office and allegiance to the persons, or any of them,
25 required to take the same in and by section 41:2-11 of this Title.

26 The judge shall report the name of the person to whom said oaths
27 were administered, and the date thereof, to the said clerk or his
28 successor, who shall enroll the same and transmit a copy of such
29 enrollment to the Secretary of State, as is directed by section
30 41:2-12 of this Title.

31 (cf: P.L.1953, c.39, s.9)

32 ¹[405.] ²[408.1] 407.² R.S.41:2-14 is amended to read as
33 follows:

34 41:2-14. In case of the absence, removal, death, or any other
35 disability of the county clerk of any county, any judge of the
36 [County] Superior Court may administer the oaths of office and
37 allegiance to commissioners of deeds, notaries public or other
38 persons required to take the same before such clerk, and any
39 official's oath so administered shall be as effectual in law as if
40 taken in the manner prescribed by law.

41 (cf: P.L.1953, c.39, s.10)

42 ¹[406.] ²[409.1] 408.² R.S.41:2-15 is amended to read as
43 follows:

44 41:2-15. Any judge of the [County] Superior Court or any
45 commissioned officer of the United States Army, Navy or Marine
46 Corps may administer the oaths of office and allegiance to the
47 person who shall be elected or appointed county clerk; and the
48 clerk shall thereupon enroll his own name and the time of his
49 being sworn into office, and transmit a copy of such enrollment

1 to the Secretary of State to be by him filed in his office;
2 provided, that when said oaths of office and allegiance have been
3 administered by a commissioned officer there shall be a recital
4 that he is such commissioned officer including a recital of his
5 rank and official designation as such and that the person taking
6 such oaths is in the military or naval service of the United States.

7 (cf: P.L.1953, c.39, s.11)

8 ¹[407.] ²[410.1] 409.² R.S.42:3-11 is amended to read as
9 follows:

10 42:3-11. Interests in a limited partnership association shall be
11 personal estate, and may be transferred under such rules and
12 regulations as the association may prescribe. No transferee of
13 any interest, or the representative of any decedent member or of
14 any insolvent member shall be entitled thereafter to any
15 participation in the subsequent business of the association, unless
16 he be elected thereto by a vote of the majority of the members
17 in number and value of their interests. Any change of ownership
18 in the property of the association, whether by sale, death,
19 bankruptcy or otherwise, which shall not be followed by election
20 to the association, shall entitle the owner only to his interest in
21 the association at a price and upon terms to be mutually agreed
22 upon, and in default of such agreement the price and terms shall
23 be fixed by an appraiser appointed by the [County] Superior Court
24 [of the proper county,] subject to the approval of the court.

25 (cf: P.L.1953, c.40, s.7)

26 ¹[408.] ²[411.1] 410.² Section 4 of P.L.1963, c.141
27 (C.42:3-13.4) is amended to read as follows:

28 4. If any member of any such limited partnership association
29 shall be dissatisfied with or object to any such renewal or
30 continuance, then the member shall be entitled only to his
31 interest in the association at a price and upon terms to be
32 mutually agreed upon, and in default of such agreement, the
33 price and terms shall be fixed by an appraiser appointed by the
34 [County] Superior Court [of the proper county], subject to the
35 approval of the said court, and upon the payment of the interest
36 as aforesaid, the said member shall transfer his interest to said
37 association, to be disposed of by the managers, or be retained by
38 them for the benefit of the remaining members.

39 (cf: P.L.1963, c.141, s.4)

40 ¹[409.] ²[412.1] 411.² Section 3 of P.L.1973, c.140 (C.43:6A-3)
41 is amended to read as follows:

42 3. As used in this act:

43 a. "Accumulated deductions" means the sum of all amounts,
44 deducted from the compensation of a member or contributed by
45 him or on his behalf, standing to the credit of his individual
46 account in the annuity saving fund.

47 b. "Annuity" means payments for life derived from the
48 accumulated deductions of a member as provided in this
49 amendatory and supplementary act.

1 c. "Annuity reserve" means the present value of all payments
2 to be made on account of any annuity or benefit in lieu of an
3 annuity computed on the basis of such mortality tables
4 recommended by the actuary as the State House Commission
5 adopts with regular interest.

6 d. "Beneficiary" means any person entitled to receive any
7 benefit pursuant to the provisions of this act by reason of the
8 death of a member or retirant.

9 e. "Child" means a deceased member's or retirant's unmarried
10 child who is either (a) under the age of 18; (b) of any age who, at
11 the time of the member's or retirant's death, is disabled because
12 of mental retardation or physical incapacity, is unable to do any
13 substantial, gainful work because of the impairment and his
14 impairment has lasted or can be expected to last for a continuous
15 period of not less than 12 months, as affirmed by the medical
16 board; or (c) under the age of 21 and is attending school full time.

17 f. "Compensation" means the base salary, for services as a
18 member as defined in this act, which is in accordance with
19 established salary policies of the State for all employees in the
20 same position but shall not include individual salary adjustments
21 which are granted primarily in anticipation of the member's
22 retirement or additional remuneration for performing temporary
23 duties beyond the regular work schedule.

24 g. "Final salary" means the annual salary received by the
25 member at the time of his retirement or death.

26 h. "Fiscal year" means any year commencing with July 1 and
27 ending with June 30 next following.

28 i. "Medical board" means the board of physicians provided for
29 in section 29 of this act.

30 j. "Member" means the Chief Justice and associate justices of
31 the Supreme Court, judges of the Superior Court[, county district
32 courts,] and tax court [and juvenile and domestic relations courts]
33 of the State of New Jersey required to be enrolled in the
34 retirement system established by this act.

35 For purposes of this act, the person holding the office of
36 standing master by appointment pursuant to [P.L.1948, c. 382 or]
37 N.J.S.2A:1-7 shall have the same privileges and obligations under
38 this act as a judge of a Superior Court.

39 k. "Parent" means the parent of a member who was receiving
40 at least one-half of his support from the member in the 12-month
41 period immediately preceding the member's death or the
42 accident which was the direct cause of the member's death. The
43 dependency of such a parent will be considered terminated by
44 marriage of the parent subsequent to the death of the member.

45 l. "Pension" means payment for life derived from ~~contributions~~
46 by the State.

47 m. "Pension reserve" means the present value of all payments
48 to be made on account of any pension or benefit in lieu of a
49 pension computed on the basis of such mortality tables

1 recommended by the actuary as shall be adopted by the State
2 House Commission with regular interest.

3 n. "Regular interest" means interest as determined annually by
4 the State Treasurer after consultation with the Directors of the
5 Divisions of Investment and Pensions and the actuary of the
6 system. It shall bear a reasonable relationship to the percentage
7 rate of earnings on investments but shall not exceed 105% of such
8 percentage rate.

9 o. "Retirant" means any former member receiving a pension or
10 retirement allowance as provided by this act.

11 p. "Retirement allowance" means the pension plus the annuity.

12 q. "Retirement system" herein refers to the "Judicial
13 Retirement System of New Jersey," which is the corporate name
14 of the arrangement for the payment of pensions, retirement
15 allowances and other benefits under the provisions of this act
16 including the several funds placed under said system. By that
17 name, all of its business shall be transacted, its funds invested,
18 warrants for money drawn, and payments made and all of its cash
19 and securities and other property held.

20 r. "Service" means public service rendered for which credit is
21 allowed on the basis of contributions made by the State.

22 s. "Several courts" means the Supreme, Superior, [county
23 district,] and tax [and juvenile and domestic relations] courts.

24 t. "Widow" means the woman to whom a member or a retirant
25 was married at least 4 years before the date of his death and to
26 whom he continued to be married until the date of his death. The
27 eligibility of such a widow to receive a survivor's benefit will be
28 considered terminated by the marriage of the widow subsequent
29 to the member's or the retirant's death. In the event of
30 accidental death the 4-year qualification shall be waived. When
31 used in this act, the term "widow" shall mean and include
32 "widower" as may be necessary and appropriate to the particular
33 situation.

34 u. "Widower" means the man to whom a member or a retirant
35 was married at least 4 years before the date of her death and to
36 whom she continued to be married until the date of her death.
37 The eligibility of such a widower to receive a survivor's benefit
38 will be considered terminated by the marriage of the widower
39 subsequent to the member's or retirant's death. In the event of
40 accidental death the 4-year qualification shall be waived.

41 (cf: P.L.1981, c.470, s.1)

42 ¹[410.] ²[413.1] 412.2 Section 5 of P.L.1973, c.140 (C.43:6A-5)
43 is amended to read as follows:

44 5. The membership of the retirement system shall include:

45 a. The Chief Justice and the associate justices of the supreme
46 court;

47 b. Any judge of the superior court[;]

48 c. [Any judge of the county court;] ~~Deleted by amendment,~~

49 P.L. , c. .

1 d. [Any judge of the county district court, who is required by
2 law to devote his entire time to his judicial duties and is
3 prohibited from practice of law; and] Deleted by amendment,
4 P.L. , c .

5 e. [Any judge of the juvenile and domestic relations court of
6 any county, who is required by law to devote his entire time to
7 his judicial duties and is prohibited from practice of law]. Deleted
8 by amendment, P.L. , c. .

9 Membership in the retirement system is a condition for judicial
10 service for the members of the Judiciary herein listed.

11 Membership in the retirement system shall cease upon
12 retirement, death or resignation.

13 (cf: P.L.1973, c.140, s.1)

14 ¹[411.] ²[414.1] 413.² R.S.43:10-46 is amended to read as
15 follows:

16 43:10-46. The words "county probation officers" as used in this
17 article shall mean and include the chief probation officer; and
18 persons permanently appointed to act as probation officers,
19 which appointments are made by the assignment judge [or judges]
20 of the [County] Superior Court, [on application of the chief
21 probation officer,] as provided for in [article one of chapter one
22 hundred sixty-eight of Title 2A of the New Jersey Statutes
23 (N.J.S.2A:168-[1 et seq.])]5.

24 (cf: P.L.1953, c.41, s.1)

25 ¹[412.] ²[415.1] 414.² R.S.43:10-48 is amended to read as
26 follows:

27 43:10-48. The county probation officers in the counties of this
28 State now or hereafter having within their territorial limits a
29 population of over eighty-three thousand, who have served as
30 such county probation officers for a continuous period of twenty
31 years and have reached the age of sixty years shall, upon
32 application in writing to the assignment judge [or judges] of the
33 [County] Superior Court of their respective counties, be retired
34 upon one-half pay.

35 (cf: P.L.1953, c.41, s.2)

36 ¹[413.] ²[416.1] 415.² R.S.43:10-50 is amended to read as
37 follows:

38 43:10-50. Any county probation officer who shall have served
39 as such for a continuous period of twenty years, whether he has
40 reached the age of sixty years or not, who shall be found to be
41 physically or mentally unfit for further service shall, upon
42 application in writing to the assignment judge [or judges] of the
43 [County] Superior Court of his county, be retired upon one-half
44 pay.

45 (cf: P.L.1953, c.41, s.3)

46 ¹[414.] ²[417.1] 416.² R.S.43:10-51 is amended to read as
47 follows:

48 43:10-51. Permanent incapacity for further duty of any county
49 probation officer shall, for all purposes of this article, be

1 established and determined by a board of three physicians, who
2 shall be designated for that purpose by the assignment judge [, or
3 if there be more than one, a majority of the judges] of the
4 [County] Superior Court [of] in such county. The three
5 physicians so designated shall examine such county probation
6 officer and if they, or a majority of them, find that such county
7 probation officer is permanently incapacitated for further duty,
8 they or a majority of them, shall make and sign a certificate to
9 that effect and file the same with the assignment judge [or
10 judges] of the [County] Superior Court, the chief probation
11 officer and the county treasurer, and thereupon the applicant
12 shall be retired upon one-half pay.

13 (cf: P.L.1953, c.41, s.4)

14 ¹[415.] ²[418.1] 417.² Section 2 of P.L.1938, c.330 (C.43:10-94)
15 is amended to read as follows:

16 2. In second-class counties of this State, now or hereafter
17 having court interpreters, any court interpreter who shall have
18 served as such for a continuous period of thirty years, and shall
19 have reached the age of sixty years, shall, upon application in
20 writing to the assignment judge [or judges] of the [County]
21 Superior Court [of] in their respective counties, be retired upon
22 one-half pay.

23 (cf: P.L.1953, c.41, s.7)

24 ¹[416.] ²[419.1] 418.² Section 4 of P.L.1938, c.330 (C.43:10-96)
25 is amended to read as follows:

26 4. Any court interpreter who shall have served as such for a
27 continuous period of thirty years, whether he has reached the age
28 of sixty years or not, who shall be found as hereinafter provided,
29 to be physically unfit for further services, shall, upon application
30 in writing to the assignment judge [or judges] of the [County]
31 Superior Court [of] in his county, be retired upon one-half pay.

32 (cf: P.L.1953, c.41, s.8)

33 ¹[417.] ²[420.1] 419.² Section 6 of P.L.1938, c.330 (C.43:10-98)
34 is amended to read as follows:

35 6. Physical unfitness or incapacity for further duty of any court
36 interpreter shall, for all purposes of this act, be established and
37 determined by a board of three physicians who shall be designated
38 for that purpose by the assignment judge [or judges] of the
39 [County] Superior Court [of] in such county. The three physicians
40 so designated shall examine the court interpreter applying for
41 retirement upon one-half pay because of physical unfitness or
42 incapacity for further duty, and if they, or a majority of them,
43 find him physically unfit or incapacitated for further duty, they,
44 or a majority of them, shall make and sign a certificate to that
45 effect and file the same with the county treasurer, and
46 thereupon the applicant shall be retired upon one-half pay.

47 (cf: P.L.1953, c.41, s.9)

48 ¹[418.] ²[421.1] 420.² Section 9 of P.L.1954, c.218
49 (C.43:13-22.11) is amended to read as follows:

1 9. The commission shall have the power to issue subpoenas to
2 ~~compel witnesses to attend and testify before it upon any matter~~
3 ~~concerning the retirement system and allow fees not in excess of~~
4 ~~\$3.00 to any such witness for such attendance upon any 1 day;~~
5 ~~provided, however, that any city employee called as a witness~~
6 ~~shall not be paid any witness fee but shall not suffer the loss of~~
7 ~~any salary. The chairman and other members of said commission~~
8 ~~are empowered to administer oaths to such witnesses. Contempt~~
9 ~~of the commission may be punished by summary proceedings~~
10 ~~before a judge of the [county court] Superior Court. All~~
11 ~~retirements shall be made and pensions allowed by the~~
12 ~~commission in accordance with the provisions of this act and the~~
13 ~~rules and regulations of the commission.~~

14 (cf: P.L.1954, c.218, s.9)

15 ¹[419.] ²[422.1] ²421. Section 50 of P.L.1971, c.213
16 (C.43:15A-134) is amended to read as follows:

17 50. a. As stipulated in subsections b., c. and d. of this section,
18 eligibility of a member of the Judiciary for the retirement
19 benefits of the retirement system shall not be terminated on
20 account of his being appointed to the Supreme[,] or Superior [or
21 County] Courts of New Jersey until such judge shall become
22 eligible for the benefits of the pension plan established for such
23 members of the Judiciary, but in no event shall any judge, his
24 dependent or his beneficiary be eligible to receive both the
25 benefits of the retirement system established by chapter 84 of
26 the laws of 1954 and those provided by the pension plan
27 established for such members of the Judiciary.

28 b. Any such judge shall, upon his request, receive a refund of
29 his accumulated deductions as of the date of his appointment to
30 the Supreme[,] or Superior [or County] Courts. Such refund of
31 contributions shall serve as a waiver of all benefits payable to the
32 judge, his dependent or his beneficiary by the retirement system.

33 c. If any such judge shall be eligible for retirement benefits as
34 of the date of his appointment to the Supreme[,] or Superior [or
35 County] Courts, he may elect to receive the annuity portion of
36 his retirement allowance while serving as such judge, provided,
37 however, that if any such judge shall subsequently elect to
38 receive the benefits of the pension plan established for members
39 of the Supreme[,] or Superior [or County Courts], all rights to
40 retirement and death benefits of the retirement system shall
41 thereby be waived, except as hereinafter provided by subsection
42 d. of this section.

43 d. If any such judge elects to receive the benefits of the
44 pension plan established for members of the Supreme[,] or
45 Superior [or County] Courts after having received retirement
46 benefits from the retirement system, such judge shall be entitled
47 to receive the value of his accumulated deductions reduced by
48 the total amount of the benefits received from the system.

49 If any such judge dies in service after his appointment to the

1 ~~Supreme, or Superior [or County] Courts and after having~~
2 ~~received retirement benefits from the retirement system, his~~
3 ~~beneficiary may elect to receive the survivor benefits available~~
4 ~~upon the death of such retired member or the death benefits~~
5 ~~provided by the pension plan established for members of the~~
6 ~~Supreme, or Superior [or County] Courts. In the event of the~~
7 ~~election of the latter, such election shall constitute a waiver of~~
8 ~~all rights to survivor benefits payable by the Public Employees'~~
9 ~~Retirement System and his beneficiary shall be entitled to~~
10 ~~receive the value of the judge's accumulated deductions reduced~~
11 ~~by the amount of the benefits received by the judge from the~~
12 ~~system.~~

13 (cf: P.L.1971, c.213, s.50)

14 ¹[420.] ²[423.1] 422.2 Section 31 of P.L.1948, c.110
15 (C.43:21-55) is amended to read as follows:

16 31. Penalties. (a) Whoever makes a false statement or
17 representation knowing it to be false or knowingly fails to
18 disclose a material fact, and each such false statement or
19 representation or failure to disclose a material fact shall
20 constitute a separate offense, to obtain or increase any benefit
21 under the State plan or an approved private plan, or for a
22 disability during unemployment, either for himself or for any
23 other person, shall be liable to a fine of twenty dollars (\$20.00) to
24 be paid to the Division of Employment Security. Upon refusal to
25 pay such fine, the same shall be recovered in a civil action by the
26 division in the name of the State of New Jersey. If in any case
27 liability for the payment of a fine as aforesaid shall be
28 determined, any person who shall have received any benefits
29 hereunder by reason of the making of such false statements or
30 representations or failure to disclose a material fact, shall pay to
31 the division, the employer or insurer, as the case may be, an
32 amount equal to the sum of any benefits hereunder received from
33 the division, employer or insurer by reason thereof, and such
34 person shall not be entitled to any benefits under this act for any
35 disability occurring prior to the time he shall have discharged his
36 liability hereunder to pay such fine, and to reimburse the
37 division, employer or insurer.

38 (b) Any employer or any officer or agent of any employer or
39 any other person who makes a false statement or representation
40 knowing it to be false or knowingly fails to disclose a material
41 fact, to prevent or reduce the benefits to any person entitled
42 thereto, or to avoid becoming or remaining subject hereto or to
43 avoid or reduce any contribution or other payment required from
44 an employer under this act, or who willfully fails or refuses to
45 make any such contributions or other payment or to furnish any
46 reports required hereunder or to produce or permit the inspection
47 or copying of records as required hereunder, shall be liable to a
48 fine of twenty dollars (\$20.00) to be paid to the division. Upon
49 refusal to pay such fine, the same shall be recovered in a civil

1 ~~action by the division in the name of the State of New Jersey.~~

2 (c) Any person who shall willfully violate any provision hereof
3 or any rule or regulation made hereunder, for which a fine is
4 neither prescribed herein nor provided by any other applicable
5 statute, shall be liable to a fine of fifty dollars (\$50.00) to be paid
6 to the division. Upon the refusal to pay such fine, the same shall
7 be recovered in a civil action by the division in the name of the
8 State of New Jersey.

9 (d) Any person, employing unit, employer or entity violating
10 any of the provisions of the above subsections with intent to
11 defraud the Division of Employment Security of the State of New
12 Jersey shall in addition to the penalties hereinbefore described,
13 be liable for each offense upon conviction before [any County
14 Court, county district court, criminal judicial district court, or
15 magistrate's court,] the Superior Court or any municipal court to
16 a fine not to exceed two hundred fifty dollars (\$250.00) or by
17 imprisonment for a term not to exceed ninety days, or both, at
18 the discretion of the court. The fine upon conviction shall be
19 payable to the State disability benefits fund of the Division of
20 Employment Security. Any penalties imposed by this subsection
21 shall be in addition to those otherwise prescribed in this chapter
22 (R.S.43:21-1 et seq.).

23 (cf: P.L.1950, c.173, s.9)

24 ¹[421.] ²[424.1] 423.² R.S.44:1-80 is amended to read as
25 follows:

26 44:1-80. A director of welfare acting in contiguous or adjoining
27 municipalities, as provided in section 44:1-79 of this Title, may
28 be removed from his responsibilities and duties in the
29 municipality other than that of his appointment, for cause or by
30 reason of his inability to properly perform his authorized and
31 required functions due to the size or population of the territory in
32 an action by the governing body of either municipality against the
33 ~~other municipality, in the [County] Superior Court [of the~~
34 ~~county]. The court may proceed therein in a summary manner.~~

35 The court by its judgment may terminate the contract and
36 ~~relieve the director of such duties and responsibilities and the~~
37 ~~additional salary theretofore agreed to be paid to him. Upon the~~
38 ~~removal of the director, the municipality may appoint one to act~~
39 ~~therein for the full term as provided in this chapter.~~

40 (cf: P.L.1953, c.42, s.3)

41 ¹[422.] ²[425.1] 424.² R.S.44:1-86 is amended to read as
42 follows:

43 44:1-86. The director of welfare in the municipality shall
44 determine who are to be relieved by him, subject to an
45 application by any person, on at least five days' notice, to the
46 ~~[juvenile and domestic relations court]~~ Superior Court, Chancery
47 Division, Family Part, by complaint, in writing, applying for a
48 summary review and determination by the court of the action of
49 the director as to the extent and amount of relief, if any, to be

1 rendered.

2 (cf: P.L.1953, c.42, s.4)

3 ¹[423.] ²[426.1] 425.2 R.S.44:1-95 is amended to read as
4 follows:

5 44:1-95. If it is ascertained at any time that a person who has
6 been assisted by or has received support from a municipality or
7 county has real or personal property over and above that
8 necessary for his maintenance in whole or in part, if such poor
9 person is maintained by the municipality or county at home, or
10 over and above that sufficient for his family, or if any such
11 person shall die, leaving real or personal property, an action may
12 be maintained in the [County] Superior Court [of the county] by
13 the director of welfare of the municipality who has furnished or
14 provided such assistance or support, or any part thereof, against
15 such person or his estate, to recover the sums of money which
16 have been expended by the municipality or county in the
17 assistance and support of the person during the period for which
18 support was furnished. If a person shall die having received relief
19 or maintenance as a poor person and having insurance upon his
20 life, the proceeds of the insurance after payment of the expense
21 of the last illness and the funeral expenses of the person, if the
22 terms of the policy so permit, shall be first applied to the
23 reimbursement of the county, municipality or district for the cost
24 of the support and maintenance of the person. But no action shall
25 lie, nor shall any appropriation of insurance be made against an
26 estate when it shall be shown to the satisfaction of the court that
27 the proceeds thereof, or the estate, are needed to prevent the
28 widow or minor children of the poor person from becoming
29 dependent upon the public.

30 (cf: P.L.1953, c.42, s.5)

31 ¹[424.] ²[427.1] 426.2 R.S.44:1-121 is amended to read as
32 follows:

33 44:1-121. The contest shall be made by notice to the officer
34 giving the original notice, of a time and place when the
35 contesting director of welfare will apply to the [County] Superior
36 Court [of] in the county in which the poor person may be and
37 from which he is to be removed, and the court shall hear and
38 determine the controversy. The hearing shall be not less than ten
39 nor more than thirty days from the time of giving the original
40 notice.

41 (cf: P.L.1953, c.42, s.6)

42 ¹[425.] ²[428.1] 427.2 R.S.44:1-122 is amended to read as
43 follows:

44 44:1-122. On failure to resist the removal the receiving
45 director of welfare may not decline to receive the poor person
46 but shall receive him and provide such relief as is lawful; except
47 that for good cause shown for the failure to contest the removal
48 the receiving director may, within thirty days after the receipt of
49 the poor person in the municipality, apply to the [County]

1 ~~Superior Court [of] in~~ the county from whence the person was
2 removed to review the proceeding and make such revised order
3 and disposition for the care and relief of the poor person and his
4 removal, if lawful, as may be proper and necessary.

5 (cf: P.L.1953, c.42, s.7)

6 ¹[426.] ²[429.1] 428.² R.S.44:1-123 is amended to read as
7 follows:

8 44:1-123. If a director of welfare of a municipality shall
9 neglect to receive or remove a poor person as provided in this
10 chapter after the determination of the matter by [a County] the
11 Superior Court having jurisdiction, the municipality where the
12 neglect occurs shall be liable for the expense of the support and
13 relief of the poor person. The expense shall be recoverable from
14 time to time with costs of suit by the director of welfare
15 incurring the cost of relief and support in a civil action in any
16 court of competent jurisdiction in the name of the municipality
17 against the municipality liable therefor.

18 (cf: P.L.1953, c.42, s.8)

19 ¹[427.] ²[430.1] 429.² R.S.44:1-129 is amended to read as
20 follows:

21 44:1-129. The director of welfare of a municipality shall by
22 petition to the [County] Superior Court [of the county], setting
23 forth the necessary facts, apply for the person's relief in that
24 manner, whereupon the court shall fix a date for hearing the
25 petition within not less than ten days from the filing of the
26 petition.

27 (cf: P.L.1953, c.42, s.9)

28 ¹[428.] ²[431.1] 430.² R.S.44:1-141 is amended to read as
29 follows:

30 44:1-141. If any of the relatives mentioned in section 44:1-140
31 of this Title shall fail to perform the order or directions of the
32 director of welfare of a municipality with regard to the support
33 of the poor person, or if the poor person is supported at public
34 expense, the [County Court of the county] Superior Court in the
35 county wherein the poor person has a legal settlement, or the
36 municipal court of the municipality wherein the person has a
37 legal settlement, upon the complaint of the director of welfare
38 or two residents of the municipality or county may summon the
39 persons chargeable before it as in other actions, summon
40 witnesses, and adjudge that the able relatives pay such sum for
41 each poor person as the circumstances may require in the
42 discretion of the court, and as will maintain him or them and
43 relieve the public of that burden. However, where it shall appear
44 that the person or persons sought to be held were the child or
45 children of the poor person and were abandoned and deserted by
46 the poor person who failed to support and maintain them during
47 minority, the aforementioned [County] Superior Court or
48 municipal court may revoke the order of the director of welfare
49 or reduce the amount of said order against such child or children,

1 ~~in proportion to the actual support and maintenance rendered by~~
 2 ~~said poor person to the child or children sought to be held. Any~~
 3 ~~child now under an order to support a poor person may apply to~~
 4 ~~the court which issued said order for the revocation or reduction~~
 5 ~~of said order in accordance with the terms of this proviso.~~
 6 ~~Violation of any such order shall constitute a contempt of court.~~

7 ~~[Nothing contained in this section shall be construed to grant~~
 8 ~~jurisdiction for the trial of any of such cases to a municipal court~~
 9 ~~in a county having a criminal judicial district court.]~~

10 ~~The county through its governing body may also bring~~
 11 ~~appropriate action in any court of competent jurisdiction to~~
 12 ~~recover any money due for the relief, support and maintenance of~~
 13 ~~a poor person against a person chargeable by law therefor.~~

14 (cf: P.L.1953, c.42, s.10)

15 ¹[429.] ²[432.1] 431.2 R.S.44:1-143 is amended to read as
 16 follows:

17 44:1-143. When a husband or father shall desert his wife, child
 18 or children or a woman shall desert her child or children and
 19 leave them or any of them as public charges, the director of
 20 welfare of a municipality may apply to the [juvenile and domestic
 21 relations court] Superior Court, Chancery Division, Family Part;
 22 and the court may order and adjudge suitable support and
 23 maintenance to be paid and provided by the husband or wife, or
 24 either of them, to be made out of his property, and for such time
 25 as the nature of the case and circumstances of the parties render
 26 suitable and proper in the opinion of the court, and may compel
 27 the defendant to give reasonable security for such maintenance
 28 and support, and from time to time make such further orders and
 29 judgments touching the matter as shall be just, and enforce such
 30 orders and judgments.

31 (cf: P.L.1953, c.42, s.11)

32 ¹[430.] ²[433.1] 432.2 R.S.44:1-144 is amended to read as
 33 follows:

34 44:1-144. The [juvenile and domestic relations court] Superior
 35 Court, Chancery Division, Family Part may:

36 a. Issue process for the immediate sequestration of the
 37 personal estate and the rents and profits of the real estate of the
 38 person charged as provided in section 44:1-143 of this Title;

39 b. Appoint the director of welfare of a municipality or another
 40 person receiver thereof; and

41 c. Cause the personal estate and the rents and profits of the
 42 real estate, or so much thereof as is necessary, to be applied
 43 toward the maintenance and support as to the court shall from
 44 time to time seem reasonable and just.

45 (cf: P.L.1953, c.42, s.12)

46 ¹[431.] ²[434.1] 433.2 R.S.44:1-146 is amended to read as
 47 follows:

48 44:1-146. The director of welfare of a municipality may bring a
 49 civil action from time to time in the [juvenile and domestic

1 relations court] Superior Court, Chancery Division, Family Part
2 for the amount necessary to pay any expense incurred or unpaid.
3 Upon recovery of judgment and the sale of any real or personal
4 property of the defendant, the proceeds therefrom shall as in
5 other civil actions be paid to the director and be applied by him
6 to the support and maintenance of the deserted persons, or to the
7 reimbursement of the municipality, county or board to the extent
8 of the expenditures made by it for that support and maintenance.

9 The sum realized on execution sale and not immediately used
10 shall be kept by the director in a separate account in a national
11 or State bank in the place where the deserted wife or children, or
12 any of them, are placed or maintained. Surplus proceeds not
13 expended for that purpose shall be the property of and payable to
14 the defendant.

15 (cf: P.L.1953, c.42, s.14)

16 ¹[432.] ²[435.1] ^{434.}² R.S.44:4-40 is amended to read as
17 follows:

18 44:4-40. The county director of welfare, under the direction,
19 and subject to the approval of the county welfare board shall
20 determine who are to be relieved by him, subject to an
21 application by any person on at least five days' notice, to the
22 [juvenile and domestic relations court of the county] Superior
23 Court, Chancery Division, Family Part, by complaint, in writing,
24 applying for a summary review and determination by the court of
25 the action of the director of welfare as to the extent and amount
26 of relief, if any, to be given or rendered.

27 (cf: P.L.1953, c.42, s.20)

28 ¹[433.] ²[436.1] ^{435.}² R.S.44:4-72 is amended to read as
29 follows:

30 44:4-72. When the removal of a poor person from the place of
31 his domicile or where he is found to the place of his settlement
32 in the same county is lawful and necessary, it shall be made by
33 means of a written notice signed by the director of welfare of
34 the county to the governing body having jurisdiction in the place
35 to which such person is to be removed, that on a day certain, not
36 less than ten nor more than twelve days after the date and
37 mailing of the notice, an order will be made by the director of
38 welfare that the poor person be removed to the place of his
39 settlement, stating the reasons therefor, the place of his
40 settlement or the place where he became poor prior to his
41 becoming an inhabitant of the municipality from whence he is to
42 be removed.

43 On the day named in the notice, the order for removal shall be
44 made by the director of welfare of the county, and thereafter the
45 poor person shall forthwith be removed by the director of welfare
46 to the place indicated in the notice upon the making of an order
47 that the poor person has no settlement in the municipality in
48 which he is a resident or is found, and has a settlement or became
49 poor in the other municipality in the same county prior to his

1 becoming a resident and inhabitant or being found in the
2 municipality from whence he is to be removed, unless within ten
3 days after the mailing of the written notice the governing body
4 to whom it shall have been mailed shall proceed to contest the
5 allegation of the settlement of the poor person or of the right to
6 remove him to the municipality in which it has jurisdiction.

7 The contest shall be made by notice to the director of welfare
8 giving the original notice, fixing a time and place when the
9 governing body shall apply to the [court of common pleas of the
10 county in which the poor person may be] Superior Court, when
11 and where the court shall hear and determine the controversy,
12 which time and place shall not be less than ten or more than
13 thirty days from the time of giving the original notice thereof.

14 On failure to resist the removal by the receiving municipality
15 the receiving municipality may not contest receiving the poor
16 person, and he shall be removed by the county welfare director at
17 the cost and expense of the municipality from which he is
18 removed, out of the appropriation made by the municipality for
19 the relief of the temporary or outdoor poor of the municipality,
20 but for good cause shown for the failure to contest the removal
21 the receiving municipality may, within thirty days after the
22 receipt of the poor person in its municipality, apply to the [court
23 of common pleas of the county] Superior Court to review the
24 proceeding and to make such revised order and disposition for the
25 care and relief of the poor person and his removal, if lawful, as
26 may be proper and necessary.

27 (cf: R.S.44:4-72)

28 ¹[434.] ²[437.1] 436.² R.S.44:4-76 is amended to read as
29 follows:

30 44:4-76. Such contest shall be made by notice to the officer
31 giving the original notice, fixing a time and place when the
32 contesting county welfare board, through the director of welfare,
33 or the overseer or county adjuster as the case may be will apply
34 to the [court of common pleas of the county in which the poor
35 person may be and from which he is to be removed] Superior
36 Court when and where the court shall hear and determine the
37 controversy, which time and place shall not be less than ten or
38 more than thirty days from the time of giving the original notice.

39 (cf: R.S.44:4-76)

40 ¹[435.] ²[438.1] 437.² R.S.44:4-78 is amended to read as
41 follows:

42 44:4-78. If any director of welfare under direction of the
43 county welfare board or any overseer or county adjuster as the
44 case may be shall neglect to receive or remove a poor person, as
45 provided in this chapter, after the determination of the matter by
46 any court [of common pleas] having jurisdiction, the county or
47 municipality as the case may be where the neglect occurs shall be
48 liable for the expense of the support and relief of the poor person.

49 The expense shall be recoverable from time to time, with

1 costs, by the county welfare board or overseer incurring the cost
2 of the relief and support, in an action at law in any court of
3 competent jurisdiction in the name of the county or municipality
4 as the case may be against the county or municipality liable
5 therefor.

6 The director of welfare or the overseer or county adjuster
7 whose duty it was to receive or remove the poor person, shall be
8 served with notice of the action in the manner in which any
9 summons is required to be served.

10 (cf: R.S.44:4-78)

11 ¹[436.] ²[439.1] 438.2 Section 1 of P.L.1946, c.175
12 (C.44:4-91.2) is amended to read as follows:

13 1. At any time the county welfare board may execute and file
14 with the county clerk or register of deeds and mortgages, as the
15 case may be, a certificate, in the form prescribed by section
16 44:7-15 of the Revised Statutes, showing the amount of the cost
17 of the care and maintenance of any person at the county
18 welfare-house or for the permanent outdoor support furnished to
19 any person. When so filed each certificate shall be a legal claim
20 against both the person and his estate and shall have the same
21 force and effect as a judgment of the [County] Superior Court,
22 [law division, of that county], with priority over all unsecured
23 claims except funeral expenses not to exceed one hundred fifty
24 dollars (\$150.00). No levy shall be made upon the real estate
25 while it is occupied by the widow or widower, as the case may
26 be. [An execution issued on such claim shall take the form of
27 executions issuing out of the County Court.] If the proceeds of
28 sale of any personalty or real estate, as herein provided, exceeds
29 the total amount paid for care and maintenance under this
30 chapter, such excess shall be returned to such person, or in the
31 event of his death, such excess shall be considered as the
32 property of the deceased for proper administration proceedings.
33 All funds reclaimed under these provisions shall be returned to
34 the county.

35 (cf: P.L.1953, c.42, s.21)

36 ¹[437.] ²[440.1] 439.2 R.S.44:4-102 is amended to read as
37 follows:

38 44:4-102. If any of the relatives mentioned in section 44:4-101
39 of this Title shall fail to perform the order or directions of the
40 county director of welfare with regard to the support of the poor
41 person, or if the poor person is supported at public expense, the
42 [County] Superior Court [of the county wherein the poor person
43 has a legal settlement], upon the complaint of the director of
44 welfare or two residents of the county may summon the persons
45 chargeable as in other actions and summon witnesses, and may
46 order and adjudge the able relatives to pay such sum as the
47 circumstances may require in the discretion of the court for each
48 poor person, as will maintain and relieve him or them, and as will
49 relieve the public of the burden of such care and maintenance.

1 However, where it shall appear that the person or persons sought
2 to be held were the child or children of the poor person and were
3 abandoned and deserted by the poor person who failed to support
4 and maintain them during minority, the ~~[County] Superior Court~~
5 may revoke the order of the director of welfare or reduce the
6 amount of said order against such child or children, in proportion
7 to the actual support and maintenance rendered by said poor
8 person to the child or children sought to be held. Any child now
9 under an order to support a poor person may apply to the [County]
10 Superior Court which issued said order for the revocation or
11 reduction of said order in accordance with the terms of this
12 proviso. ~~Violations of any such order of the [County] Superior~~
13 ~~Court shall constitute a contempt of court.~~

14 The county through its governing body may also bring an
15 appropriate action to recover any sum of money due for the
16 relief, support and maintenance of any poor person against any
17 person chargeable by law therefor.

18 (cf: P.L.1953, c.42, s.23)

19 ¹[438.] ²[441.1] 440.2 R.S.44:4-104 is amended to read as
20 follows:

21 44:4-104. When a husband or father shall desert his wife, child
22 or children or a woman shall desert her child or children and
23 leave them, or any of them, as public charges, the director of
24 welfare of the county may apply to the [juvenile and domestic
25 relations court of the county] Superior Court, Chancery Division,
26 Family Part, which court may order and adjudge suitable support
27 and maintenance to be paid and provided by the husband or wife,
28 ~~or either of them, to be made out of his property, and for such~~
29 ~~time as the nature of the case and circumstances of the parties~~
30 ~~render suitable and proper in the opinion of the court, and may~~
31 ~~compel the defendant to give reasonable security for such~~
32 ~~maintenance and support, and from time to time make such~~
33 ~~further orders and judgments touching such maintenance and~~
34 ~~support as shall be just, and enforce such orders and judgments.~~

35 (cf: P.L.1953, c.42, s.24)

36 ¹[439.] ²[442.1] 441.2 R.S.44:4-105 is amended to read as
37 follows:

38 44:4-105. The [juvenile and domestic relations court] Superior
39 Court, Chancery Division, Family Part may:

40 a. Issue process for the immediate sequestration of the
41 personal estate and the rents and profits of the real estate of the
42 person charged as provided in section 44:4-104 of this Title;

43 b. Appoint the director of welfare of the county, or another
44 person, receiver thereof; and

45 c. Cause the personal estate and the rents and profits of the
46 real estate, or so much thereof as is necessary, to be applied
47 toward the maintenance and support as to the court shall from
48 time to time seem reasonable and just.

49 (cf: P.L.1953, c.42, s.25)

1 ¹[440.] ²[443.1] ^{442.2} Section 10 of P.L.1957, c.139
2 (C.44:5-19.10) is amended to read as follows:

3 ~~10. Should any relative responsible for the support of such~~
4 ~~applicant or person receiving such service fail to obey the order~~
5 ~~or direction with regard to the providing of service and paying~~
6 ~~therefor, the [County] Superior Court [of the county wherein such~~
7 ~~applicant has applied or is receiving such service or wherein he~~
8 ~~may have a legal settlement] may, upon complaint of the County~~
9 ~~Adjuster, summon the persons chargeable before it as in other~~
10 ~~actions and summon witnesses and may order the able relatives~~
11 ~~responsible for the support of such applicant to pay such sums as~~
12 ~~the circumstances may require in the discretion of the court for~~
13 ~~such applicant and violation of any such order of the court shall~~
14 ~~be contempt of the court and the person so violating the same~~
15 ~~shall be subject to the penalties which by law may be imposed for~~
16 ~~other contempts of said court.~~

17 (cf. P.L.1957, c.139, s.10)

18 ¹[441.] ²[444.1] ^{443.2} R.S.44:7-14 is amended to read as
19 follows:

20 44:7-14. (a) Every county welfare board shall require, as a
21 condition to granting assistance in any case, that all or any part
22 of the property, either real or personal, of a person applying for
23 old age assistance, be pledged to said county welfare board as a
24 guaranty for the reimbursement of the funds so granted as old
25 age assistance pursuant to the provisions of this chapter. The
26 county welfare board shall take from each applicant a properly
27 acknowledged agreement to reimburse for all advances granted,
28 and pursuant to such agreement, said applicant shall assign to
29 the welfare board, as collateral security for such advances, all or
30 any part of his personal property as the board shall specify.

31 The agreement to reimburse shall provide that the filing of
32 notice thereof as hereinafter provided, is to have the same force
33 and effect as a judgment of the [County] Superior Court[, law
34 division, of the county]. ~~It shall contain therein a release of~~
35 ~~dower or curtesy, as the case may be, of the spouse of the~~
36 ~~recipient of old age assistance, and the spouse shall agree to~~
37 ~~reimburse the county welfare board for all advances made to the~~
38 ~~recipient. Such release and joinder shall be as valid and effectual~~
39 ~~as if the spouse had joined the recipient in a conveyance of the~~
40 ~~property to a third person, and the grant of old age assistance,~~
41 ~~being contingent upon such joinder by the spouse, shall be good~~
42 ~~and valuable consideration therefor. Old age assistance shall not~~
43 ~~be granted to any applicant without joinder by the spouse in the~~
44 ~~agreement to reimburse except upon the showing of good and~~
45 ~~sufficient cause as the State Division shall by regulation define.~~

46 (b) Upon making a grant of old age assistance the county
47 welfare board shall file with the county clerk or register of deeds
48 and mortgages, as the case may be, in any county, a notice of the
49 above mentioned agreement to reimburse, which notice as of the

1 date of such filing shall have the same effect as a lien by
2 judgment of the [County] Superior Court[, law division, of the
3 county], and any real estate or lands in which the recipient or
4 spouse has a title or interest, shall thereupon become charged and
5 encumbered with a lien for old age assistance granted the
6 recipient and said notice shall have priority over all unrecorded
7 encumbrances. No fees or costs shall be paid for filing such
8 notices.

9 (cf: P.L.1953, c.42, s.32)

10 ¹[442.] ²[445.1] 444.2 R.S.44:7-19 is amended to read as
11 follows:

12 44:7-19. The county director of welfare in cases of application
13 for old age assistance shall ascertain, if possible, the relatives
14 and other persons chargeable by law for the support of such
15 applicant, and proceed to obtain their assistance for such
16 applicant or to compel them to render such assistance as is
17 provided by law in such cases, or if such relatives or other
18 persons are not chargeable by law with the support of such
19 applicant but able and willing to do so, in whole or in part, the
20 director of welfare may contract, in writing, with such persons
21 for the support of such applicant.

22 Should any relative or other person responsible for the support
23 of an applicant for old age assistance fail to perform the order or
24 direction of the director of welfare with regard to the support of
25 such applicant, the [County] Superior Court [or the court of
26 juvenile and domestic relations of the county wherein such
27 applicant has applied or is receiving old age assistance,] may,
28 upon certification in writing of the director of welfare or of two
29 residents of the municipality or county, summon or otherwise
30 direct the appearance of the persons chargeable and subpoena
31 witnesses, and compel the production of books, records, and other
32 documents as may be pertinent, and shall, in a summary way,
33 inquire into the cause of such failure to perform the order or
34 direction of the director of welfare, and may order and adjudge
35 the able relatives or other persons responsible for the support of
36 such applicant to pay such sum or to deliver to the court or to
37 the director of welfare such other pledge or guaranty as the
38 circumstances may require in the discretion of the court for
39 each such applicant. However, where it shall appear that the
40 person or persons sought to be held were the child or children of
41 the applicant for old age assistance and were abandoned and
42 deserted by the applicant who failed to support and maintain
43 them during minority, the [County] Superior Court may revoke
44 the order of the director of welfare or reduce the amount of said
45 order against such child or children, in proportion to the actual
46 support and maintenance rendered by said applicant to the child
47 or children sought to be held. Any child now under an order to
48 support an applicant for old age assistance may apply to the
49 [County] Superior Court which issued said order for the

1 revocation or reduction of said order in accordance with the
2 terms of this provision. Violation of any such order of the court
3 shall be a contempt of said court and punishable as such.

4 [The jurisdiction of the County Court in matters within the
5 purview of sections 44:7-19 and 44:7-20 shall extend to persons
6 and witnesses residing in any county of this State.]

7 The county welfare board may also bring appropriate action in
8 any court of competent jurisdiction to recover any sum of money
9 due for assistance given any person under this chapter against
10 such person or against any other persons chargeable by law for
11 the support of such person.

12 (cf: P.L.1953, c.42, s.35)

13 ¹[443.] ²[446.1] 445.2 R.S.44:7-20 is amended to read as
14 follows:

15 44:7-20. For the purpose of ascertaining and determining the
16 facts and circumstances concerning any application for assistance
17 made under this chapter the county director of welfare shall have
18 power, in his discretion, to compel the attendance of the
19 applicant and other persons in this State and the production of
20 books, records and other documents in this State pertinent to
21 such examination. The director of welfare may administer oaths
22 for the purpose of such examination. Upon any misconduct or
23 failure to obey any summons or subpoena issued to an applicant
24 by the director, or failure to testify by the applicant, the director
25 may, in his discretion, subject to the approval of the county
26 welfare board, reject the application for assistance. Any
27 misconduct or failure to obey any summons or subpoena issued to
28 an applicant or any other person by the director, or failure to
29 testify by the applicant or other such person, shall be punishable
30 by the [County] Superior Court [of the county in which the same
31 occurred,] as a contempt is punishable in a case pending in the
32 court. But no commitment shall be ordered for a period exceeding
33 90 days.

34 Any applicant or other person who shall knowingly give false
35 testimony before the director shall be guilty of a misdemeanor.

36 (cf: P.L.1957, c.61, s.1)

37 ¹[444.] ²[447.1] 446.2 Section 1 of P.L.1964, c.155 (C.44:11-1)
38 is amended to read as follows:

39 1. As used in this act:

40 "Court" means the [County] Superior Court [of] in the county
41 whose welfare board is responsible for making payments of public
42 assistance to or for the benefit of the recipient or, in cases where
43 a representative payee has been appointed pursuant to this act,
44 the [County] Superior Court having made such appointment.

45 "Functionally incompetent" means subject to a mental,
46 physical or emotional condition which renders the individual
47 incapable of receiving and utilizing payments of public assistance
48 in a manner conducive to the health and well-being of himself
49 and his dependents.

1 "Representative payee" means a person appointed by a court to
2 act for a recipient to the extent of receiving and administering
3 payments of public assistance.

4 "Public assistance" means "old age assistance" and "disability
5 assistance" as authorized by Revised Statutes, Title 44, chapter
6 7; "blind assistance" as authorized by Revised Statutes, Title 30,
7 chapter 6; "assistance for dependent children" as authorized by
8 chapter 86, laws of 1959; together with amendments and
9 supplements to any of the foregoing; and any other program
10 administered through the county welfare boards, by whatever
11 name now or hereafter known, which is authorized to provide
12 financial assistance to needy persons in the form of money
13 payments.

14 "Recipient" means a person who has been found eligible to
15 receive payments of public assistance.

16 "Welfare board" means the county welfare board responsible
17 for making payments of public assistance to or for the benefit of
18 the recipient.

19 (cf: P.L.1964, c.155, s 1.)

20 ¹[445.] ²[448.¹] ^{447.²} Section 1 of P.L.1975, c.300 (C.45:1-12)
21 is amended to read as follows:

22 1. No podiatrist, optometrist or psychologist and no
23 professional service corporation engaging in the practice of
24 podiatry, optometry or psychology in this State shall charge a
25 patient an extra fee for services rendered in completing a
26 medical claim form in connection with a health insurance policy.
27 Any person violating this act shall be subject to a fine of \$100.00
28 for each offense.

29 Such penalty shall be collected and enforced by summary
30 proceedings pursuant to the Penalty Enforcement Law
31 (N.J.S.2A:58-1 et seq.). [Every county district court] The
32 Superior Court and municipal court shall have jurisdiction within
33 its territory of such proceedings. Process shall be either in the
34 nature of a summons or warrant and shall issue in the name of the
35 State, upon the complaint of the State Board of Medical
36 Examiners with respect to podiatrists, the New Jersey State
37 Board of Optometry for optometrists or the State Board of
38 Psychological Examiners for psychologists.

39 (cf: P.L.1975, c.300, s.1)

40 ¹[446.] ^{449.¹} Section 11 of P.L.1978, c.73 (C.45:1-24) is
41 amended to read as follows:

42 11. Upon the failure of any person to comply within 10 days
43 after service of any order of a board directing payment of
44 penalties or restoration of moneys or property, the Attorney
45 General or the secretary of such board may issue a certificate to
46 the Clerk of the Superior Court that such person is indebted to
47 the State for the payment of such penalty and the moneys or
48 property ordered restored. A copy of such certificate shall be
49 served upon the person against whom the order was entered.

1 Thereupon the clerk shall immediately enter upon his record of
2 docketed judgments the name of the person so indebted and of
3 the State, a designation of the statute under which the penalty is
4 imposed, the amount of the penalty imposed, and amount of
5 moneys ordered restored, a listing of property ordered restored,
6 and the date of the certification. Such entry shall have the same
7 force and effect as the entry of a docketed judgment in the
8 Superior Court, and the Attorney General shall have all rights and
9 remedies of a judgment creditor in addition to exercising any
10 other available remedies. Such entry, however, shall be without
11 prejudice to the right of appeal to the Appellate Division of the
12 Superior Court from the board's order.

13 An action to enforce the provisions of any order entered by a
14 board or to collect any penalty levied thereby may be brought in
15 any municipal [or county district] court or the Superior Court in
16 summary manner pursuant to the Penalty Enforcement Act,
17 (N.J.S.2A:58-1 et seq.) and the rules of court governing the
18 collection of civil penalties. Process in such action shall be by
19 summons or warrant, and in the event that the defendant fails to
20 answer such action, the court shall issue a warrant for the
21 defendant's arrest for the purpose of bringing such person before
22 the court to satisfy any order entered.

23 (cf: P.L.1978, s.73, s.11)

24 ¹[447.] ²[450.1] 449.² ²[R.S. 45:1-25] Section 12 of P.L. 1978,
25 c.73 (C. 45:1-25)² is amended to read as follows:

26 12. Any person violating any provision of an act or regulation
27 administered by a board shall, in addition to any other sanctions
28 provided herein, be liable to a civil penalty of not more than
29 \$2,500.00 for the first offense and not more than \$5,000.00 for
30 the second and each subsequent offense. For the purpose of
31 construing this section, each transaction or statutory violation
32 shall constitute a separate offense; provided, however, a second
33 or subsequent offense shall not be deemed to exist unless an
34 administrative or court order has been entered in a prior,
35 separate and independent proceeding. In lieu of an administrative
36 proceeding or an action in the Superior Court, the Attorney
37 General may bring an action in the name of any board for the
38 collection or enforcement of civil penalties for the violation of
39 any provision of an act or regulation administered by such board.
40 Such action may be brought in summary manner pursuant to the
41 Penalty Enforcement Act (N.J.S.2A:58-1 et seq.) and the rules of
42 court governing actions for the collection of civil penalties in the
43 municipal [or county district] court where the offense occurred.
44 Process in such action may be by summons or warrant and in the
45 event that the defendant in such action fails to answer such
46 action, the court shall, upon finding an unlawful act or practice
47 to have been committed by the defendant, issue a warrant for the
48 defendant's arrest in order to bring such person before the court
49 to satisfy the civil penalties imposed. In any action commenced

1 pursuant to this section, the court may order restored to any
2 person in interest any moneys or property acquired by means of
3 an unlawful act or practice. Any action alleging the unlicensed
4 practice of a profession or occupation shall be brought pursuant
5 to this section or, where injunctive relief is sought, by an action
6 commenced in the Superior Court. In any action brought pursuant
7 to this act, a board or the court may order the payment of costs
8 for the use of the State.

9 (cf: P.L.1978, c.73, s.12)

10 ¹[448.] ²[451.¹] 450.² R.S.45:5-11 is amended to read as
11 follows:

12 45:5-11. (a) Whoever practices podiatry in this State without
13 first having obtained and filed the license herein provided for, or
14 contrary to any of the provisions of this chapter, or whoever
15 practices podiatry under a false or assumed name, or falsely
16 impersonates another practitioner of a like or different name, or
17 buys, sells, or fraudulently obtains any diploma as a podiatrist, or
18 any podiatry license, record or registration, or aids or assists any
19 person not regularly licensed and registered to practice podiatry
20 in this State, to practice podiatry therein, or whoever violates
21 any of the provisions of this chapter, shall be liable to a penalty
22 of \$200.00.

23 Every person practicing podiatry and every person practicing
24 podiatry as an employee of another shall cause his name to be
25 conspicuously displayed and kept in a conspicuous place at the
26 entrance of the place where such practice shall be conducted, and
27 any person who shall neglect to cause his name to be displayed as
28 herein required shall be liable to a penalty of \$100.00.

29 Using the title doctor or its abbreviation in the practice of
30 podiatry must be qualified by the word or words "podiatrist" or
31 "surgeon podiatrist." Any person who violates this provision shall
32 be liable to a penalty of \$100.00.

33 It shall be unlawful for any person not licensed under this act
34 to use terms, titles, words or letters which would designate or
35 imply that he or she is qualified to treat foot ailments, or to hold
36 himself or herself out as being able to diagnose, treat, operate,
37 or prescribe for any ailment of the human foot, or offer or
38 attempt to diagnose, treat, operate or prescribe for any ailment
39 of the human foot.

40 (b) [Every county district court] The Superior Court and
41 municipal [court] courts, within their respective territorial
42 jurisdictions, shall have jurisdiction to hear and determine actions
43 for penalties under this chapter. The penalties provided for by
44 this section shall be sued for and recovered by and in the name of
45 the State Board of Medical Examiners of New Jersey, as
46 plaintiff. Penalties imposed because of the violation of any
47 provision of this chapter shall be collected and enforced by
48 summary proceedings pursuant to the Penalty Enforcement Law
49 (N.J.S.2A:58-1 et seq.). Process shall issue at the suit of the

1 board, as plaintiff, and shall be either in the nature of a summons
2 or warrant.

3 (cf: P.L.1965, c.141, s.7)

4 ¹[449.] ²[452.1] ^{451.2} Section 1 of P.L.1975, c.299
5 (C.45:6-18.1) is amended to read as follows:

6 1. No dentists and no professional service corporation engaged
7 in the practice of dentistry in this State shall charge a patient an
8 extra fee for services rendered in completing a dental claim form
9 in connection with a health insurance policy. Any person
10 violating this act shall be subject to a fine of \$100.00 for each
11 offense.

12 Such penalty shall be collected and enforced by summary
13 proceedings pursuant to the Penalty Enforcement Law
14 (N.J.S.2A:58-1 et seq.). [Every county district court] The
15 Superior Court and municipal court shall have jurisdiction within
16 its territory of such proceedings. Process shall be either in the
17 nature of a summons or warrant and shall issue in the name of
18 the State, upon the complaint of the New Jersey State Board of
19 Dentistry, as plaintiff.

20 (cf: P.L.1975, c.299, s.1)

21 ²[1[450.] 453.1] Section 13 of P.L.1938, c.342 (C.45:8-39) is
22 amended to read as follows:

23 13. a. Any person who, hereafter, is not legally authorized to
24 practice professional engineering or land surveying in this State
25 according to the provisions of this act, who shall so practice or
26 offer so to practice in this State, except as provided in section
27 14 of this act, or any person presenting or attempting to file as
28 his own the certificate of license of another, or who shall give
29 false or forged evidence of any kind to the board, or to any
30 member or representative thereof, in obtaining a certificate of
31 license, or who shall falsely impersonate another licensed
32 practitioner of like or different name, or who shall use or
33 attempt to use an expired certificate of license, or an unexpired
34 and revoked certificate of license, or who shall use the title
35 "Engineer-in-Training" without holding a valid certificate of
36 registration issued by the board, or who shall otherwise violate
37 any of the provisions of this act, shall be subject to a penalty of
38 not more than \$200.00 for the first offense and not more than
39 \$500.00 for each and every subsequent offense. The penalties
40 provided for by this section shall be sued for and recovered in
41 civil actions by the State Board of Professional Engineers and
42 Land Surveyors.

43 b. No person, firm, partnership, association or corporation shall
44 bring or maintain any action in the courts of this State for the
45 collection of compensation for services constituting the practice
46 of engineering or land surveying without alleging and proving that
47 he was duly licensed in accordance with this chapter at the time
48 the alleged cause of action arose.

49 c. [Every County Court and every county district court, within

1 their respective territorial jurisdictions.] The Superior Court shall
2 have jurisdiction of actions for penalties under this act.

3 (cf: P.L.1970, c.177, c.3)]²

4 ¹[451.] ²[454.1] 452.2 R.S.45:9-2 is amended to read as follows:

5 45:9-2. The board shall elect a president, a secretary and a
6 treasurer from its membership and shall have a common seal, of
7 which all courts of this State shall take judicial notice. Its
8 president, or secretary, may issue subpoenas to compel
9 attendance of witnesses to testify before the board and
10 administer oaths in taking testimony in any matter pertaining to
11 its duties, which subpoenas shall issue under the seal of the board
12 and shall be served in the same manner as subpoenas issued out of
13 [a County] the Superior Court of this State. Every person who
14 refuses or neglects to obey the command of such subpoena, or
15 who, after appearing, refuses to be sworn and testify shall, in
16 either event, be liable to a penalty of \$50.00 to be sued for in the
17 name of the board in any court of competent jurisdiction, which
18 penalty when collected shall be paid to the treasurer of said
19 board. It shall make and adopt all necessary rules, regulations
20 and bylaws not inconsistent with the laws of the State or of the
21 United States, whereby to perform the duties and to transact the
22 business required under the provisions of this article (section
23 45:9-1 et seq.).

24 The board shall charge for licenses and other services
25 performed by it the fees provided in chapter 9 of Title 45 of the
26 Revised Statutes, or where not so provided, such fees as it shall
27 prescribe by rule or regulation. The board shall make such
28 disposition of all fees and moneys collected by it and such
29 reports in connection therewith as directed by the Director of the
30 Division of Budget and Accounting.

31 (cf: P.L.1973, c.166, s.1)

32 ¹[452.] ²[455.1] 453.2 Section 1 of P.L.1975, c.297
33 (C.45:9-22.1) is amended to read as follows:

34 1. No physician and no professional service corporation engaged
35 in the practice of medicine and surgery in this State shall charge
36 a patient an extra fee for services rendered in completing a
37 medical claim form in connection with a health insurance policy.
38 Any person violating this act shall be subject to a fine of \$100.00
39 for each offense.

40 Such penalty shall be collected and enforced by summary
41 proceedings pursuant to the Penalty Enforcement Law
42 (N.J.S.2A:58-1 et seq.). [Every county district court] The
43 Superior Court and municipal court shall have jurisdiction within
44 its territory of such proceedings. Process shall be either in the
45 nature of a summons or warrant and shall issue in the name of
46 the State, upon the complaint of the State Board of Medical
47 Examiners.

48 (cf: P.L.1975, c.297, c.1)

49 ¹[453.] ²[456.1] 454.2 Section 3 of P.L.1951, c.352 (C.46:3A-3)

1 is amended to read as follows:

2 3. If the council of proprietors shall refuse or neglect to give
3 preference to any prior survey, legally made, or to the possessor
4 of any tract of land, enabling him to cover with rights, and
5 secure the overplus lands which may be found within his ancient
6 bounds, on his making a resurvey of his lands within six months
7 after the notice given to him as required by section two of this
8 act, such possessor, or any person legally authorized on his
9 behalf, may cause a resurvey to be made, agreeably to the
10 ancient reputed lines and boundaries, either by a deputy surveyor
11 or by a person who understands the art of surveying, and
12 appropriate so many rights thereon as will be sufficient to include
13 the overplus.

14 When the surveyor or person making the survey herein provided
15 for shall have satisfied a judge of the [county district court]
16 Superior Court in the county wherein the affected lands are
17 situate that the survey so made by him is just, according to the
18 best of his knowledge, such survey may be produced to the clerk
19 of the county or counties wherein such lands are situate, who
20 shall on the receipt thereof, record the same in the book
21 directed to be kept in the respective counties by the act entitled
22 "An act for the limitation of suits at law respecting titles to
23 land," passed at Burlington the fifth day of June, one thousand
24 seven hundred and eighty-seven. Thereupon the survey, so made
25 and recorded, shall give to the owner and possessor of the lands
26 covered thereby an absolute title in fee.

27 (cf: P.L.1951, c.352, s.3)

28 ¹[454.] ²[457.1] 455.² Section 5 of P.L.1974, c.50 (C.46:8-31) is
29 amended to read as follows:

30 5. In any action in the [county district court] Superior Court,
31 Law Division, Special Civil Part or municipal court by an
32 occupant or tenant or to recover penalties against a landlord who
33 has not complied with this act and who cannot be served within
34 the county or municipality, the summons and complaint may be
35 served by certified and regular mail upon the record owner at the
36 last address listed in the tax records of either the municipality or
37 county. Service of such summons and complaint by certified and
38 regular mail shall be effective to bring the landlord before the
39 [county district court] Superior Court, Law Division, Special Civil
40 Part or municipal court even if it were not served within the
41 county or municipality in which the court issuing the summons is
42 located.

43 (cf: P.L.1981, c.299, s.3)

44 ¹[455.] ²[458.1] 456.² Section 6 of P.L.1974, c.50 (C.46:8-32) is
45 amended to read as follows:

46 6. Service of process on the clerk of the [county district court]
47 Superior Court, Law Division, Special Civil Part or municipal
48 court having jurisdiction over the [county or] municipality in
49 which the property is located shall be deemed service on the

1 landlord upon submission to the court of the following:

2 a. A certification of the tenant stating that he does not know
3 the landlord's whereabouts after having made a diligent effort,
4 satisfactory to the court, to determine the same; and

5 b. Proof of failure of service by certified mail as provided in
6 section 5 of this act.

7 (cf: P.L.1981, c.299, s.4)

8 ¹[456.] ²[459.1] 457.² Section 8 of P.L.1974, c.50 (C.46:8-34) is
9 amended to read as follows:

10 8. The [county district court] Superior Court, Law Division,
11 Special Civil Part shall have jurisdiction over any action between
12 a landlord and tenant where the amount in controversy is
13 \$3,000.00 or less.

14 (cf: P.L.1974, c.50, s.8)

15 ¹[457.] ²[460.1] 458.² Section 9 of P.L.1974, c.50 (C.46:8-35) is
16 amended to read as follows:

17 9. Any landlord who shall violate any provision of this act shall
18 be liable to a penalty of not more than \$500.00 for each offense,
19 recoverable by a summary proceeding under the "Penalty
20 Enforcement Law" (N.J.S.2A:58-1 et seq.). The [county district
21 court] Superior Court, Law Division, Special Civil Part [of] in the
22 county or the municipal court of the municipality in which the
23 premises are located shall have jurisdiction to enforce said
24 penalty.

25 The Attorney General, the municipality in which the premises
26 are located, or any other person may institute the proceeding;
27 where the municipality or any other person other than the
28 Attorney General institutes the proceeding, a recovered penalty
29 should be remitted by the court to the municipality in which the
30 premises subject to the proceeding are located.

31 (cf: P.L.1981, c.299, s.5)

32 ¹[458.] ²[461.1] 459.² Section 4 of P.L.1974, c.48 (C.46:8-41) is
33 amended to read as follows:

34 4. Any owner who fails to provide to any tenant the
35 information required under section 2 of this act or violates any
36 other provision of this act shall be liable to a penalty of not more
37 than \$200.00 for each offense, recoverable by the State in a civil
38 action by a summary proceeding under the "Penalty Enforcement
39 Law" (N.J.S.2A:58-1 et seq.). The [county district court of the
40 county] Superior Court, Law Division, Special Civil Part in the
41 county in which the premises are located shall have jurisdiction
42 to enforce said penalty enforcement upon complaint of the
43 Attorney General or any other person.

44 (cf: P.L.1974, c.48, s.4)

45 ¹[459.] ²[462.1] 460.² Section 5 of P.L.1975, c.310 (C.46:8-47)
46 is amended to read as follows:

47 5. Any landlord who violates any provision of this act, contrary
48 to the legal rights of tenants, shall be liable to a penalty of not
49 more than \$100.00 for each offense. Such penalty shall be

1 collected and enforced by summary proceedings pursuant to the
2 Penalty Enforcement Law (N.J.S.2A:58-1 et seq.). The [county
3 district court of] Superior Court, Law Division, Special Civil Part
4 in the county in which the rental premises are located shall have
5 jurisdiction over such proceedings. Process shall be in the nature
6 of a summons or warrant, and shall issue upon the complaint of
7 the commissioner, the Attorney General, or any other person.

8 (cf: P.L.1975, c.310, s.5)

9 ¹[460.] ²[463.1] ^{461.2} R.S.46:14-4 is amended to read as
10 follows:

11 46:14-4. If the grantor or any of the grantors of any deed or
12 instrument of the nature or description set forth in section
13 46:16-1 of this Title, made and executed, but not acknowledged
14 or proved according to law, and the subscribing witnesses thereto
15 are dead, of unsound mind or resident without the United States,
16 such deed or instrument may be proved before the [County]
17 Superior Court [of the county in which the real estate or property
18 affected thereby, or some part thereof, is situate,] by proving the
19 handwriting of such witnesses, or, if there be no such witnesses,
20 by proving the handwriting of such grantor or grantors, to the full
21 satisfaction of such court, which proof may be made by affidavits
22 in writing, taken before any officer in this State authorized by
23 law to take the acknowledgment and proof of deeds, and annexed
24 to such deed or instrument. The proofs shall certified on or under
25 such deed or instrument in open court by the judge holding such
26 court.

27 Before any proof shall be taken as herein provided, notice of
28 the application to the [County] Superior Court for that purpose,
29 describing the deed or instrument and the real estate or property
30 contained therein or affected thereby, and the time and place of
31 such application, shall be given by advertisements, signed by the
32 person making the application, and set up in at least five of the
33 public places in the county, one of which such places shall be in
34 ~~the municipality in which such real estate or property is situate~~
35 at least four weeks before making the application, and also by a
36 publication four times during four consecutive calendar weeks,
37 once in each week, in a newspaper printed in such county, if any
38 be printed therein, and, if not, in a newspaper circulating in such
39 county and printed in an adjacent county. Due proof, by affidavit
40 annexed to such deed or instrument, of the notice herein required
41 shall be made to the court, and certified by the judge thereof in
42 the certificate of proof herein required.

43 (cf: P.L.1953, c.44, s.4)

44 ¹[461.] ²[464.1] ^{462.2} R.S.46:14-6 is amended to read as
45 follows:

46 46:14-6. If any deed or instrument of the nature or description
47 set forth in section 46:16-1 of this Title shall have been or shall
48 be acknowledged by a party executing the same, such party being
49 in this State, whether residing in this State or elsewhere, before
50 any one of the officers herein named, whether such officer was or
51 is appointed for, or whether he was or is in the county where the

1 affected real estate is situate or where such acknowledgment was
 2 or is taken, or not, such officer being satisfied that such party is
 3 the grantor, vendor, vendee, lessor or lessee in such deed or
 4 instrument, of all of which such officer shall make his certificate
 5 on, under or annexed to such deed or instrument, or if such deed
 6 or instrument shall have been or shall be proved before any such
 7 officer anywhere in this State by one or more of the subscribing
 8 witnesses thereto, such witness or witnesses being within this
 9 State, whether residing in this State or elsewhere, that such party
 10 (the grantor, vendor, vendee, lessor or lessee), signed, sealed and
 11 delivered such deed or instrument as his act and deed, and a
 12 certificate of such proof signed by such officer, shall be written
 13 upon, or under or be annexed to, such deed or instrument, every
 14 such deed or instrument, so acknowledged or proved, shall be
 15 deemed to be duly acknowledged or proved.

16 The officers of this State authorized to take acknowledgments
 17 or proofs in this State under authority of this section are a justice
 18 of the Supreme Court; a judge of the Superior Court; [a judge of
 19 the County Court of any county; a master of the Superior Court
 20 by such designation, or by the designation of master-in-chancery
 21 or master of the court of chancery of New Jersey;] an
 22 attorney-at-law; a counsellor-at-law; a notary public; a
 23 commissioner of deeds appointed for any county; a county clerk
 24 of any county; a deputy county clerk; a surrogate or deputy
 25 surrogate of any county; and a register of deeds and mortgages
 26 or deputy register of any county.

27 (cf: P.L.1964, c.165, s.2)

28 ¹[462.] ²[465.1] 463.2 R.S.46:16-5 is amended to read as
 29 follows:

30 46:16-5. When any writing, however informal, made to declare
 31 or to direct any use or trust of real estate, is referred to in any
 32 ~~duly acknowledged or proved, certified and recorded deed or in~~
 33 any will, duly proved and recorded, or though made for some
 34 ~~other purpose, is yet, by the terms of such deed or will, referring~~
 35 ~~thereto, made to operate as such a declaration or direction, such~~
 36 ~~writing, not being susceptible of being acknowledged or proved~~
 37 ~~according to law, may be recorded, without acknowledgment or~~
 38 ~~proof, if satisfactory proof shall be made before the [County]~~
 39 Superior Court [of the county in which the affected real estate is
 40 situate,] which proof shall be evidenced by a certificate of the
 41 judge of such court, indorsed upon such writing over his signature,
 42 that the writing so offered to be recorded is the identical writing
 43 so referred to in such deed or will. Ten days' notice of the
 44 application to the [County] Superior Court to prove any such
 45 writing shall be given by publication in a newspaper published in
 46 such county, or, if there be no such newspaper, in a newspaper
 47 circulating in such county.

48 (cf: P.L.1953, c.44, s.6)

49 ¹[463.] ²[466.1] 464.2 R.S.46:16-13 is amended to read as
 50 follows:

1 46:16-13. Notices of Federal tax liens and certificates
2 discharging such liens, which, by the provisions of Title 26 of the
3 Code of Laws of the United States, are made a lien upon all the
4 property and rights to property belonging to the persons against
5 whom Federal taxes are or may be assessed, may be filed in the
6 office of the county recording officer of the county or counties
7 wherein the property subject to such liens is situate, and shall be
8 forthwith recorded in a book to be kept for that purpose entitled
9 "Federal liens," and shall, immediately upon such filing, be
10 indexed in an index book entitled "index of Federal liens," which
11 index shall indicate the date of filing, the place of record and the
12 names of the parties thereto. Each county recording officer
13 shall be authorized to charge for the filing and recording of
14 notices of Federal tax liens or certificates of discharge
15 therefrom the same fees as may be charged at the time of such
16 filing and recording for the docketing of judgments from the
17 [lower courts in the County Court] Superior Court.

18 No Federal tax shall be a valid lien as against any mortgagee,
19 pledgee, purchaser or judgment creditor until the notice thereof
20 shall be filed as provided by this section.

21 (cf: P.L.1963, c.143, s.1)

22 ¹[464.] ²[467.1] 465.2 Section 3 of P.L.1977, c.213
23 (C.46:30A-8) is amended to read as follows:

24 3. The owner or manager of any individual business
25 establishment wherein this act is knowingly violated by said
26 owner or manager shall be liable to a penalty of not more than
27 \$50.00 for the first offense, not more than \$100.00 for the second
28 offense and not more than \$250.00 for each subsequent offense.
29 Such penalty shall be collected and enforced by summary
30 proceedings pursuant to the Penalty Enforcement Law
31 (N.J.S.2A:58-1 et seq.). The [county district court in the county
32 in which the business premises are located] Superior Court shall
33 have jurisdiction over such proceedings. Process shall be in the
34 nature of a summons or warrant, and shall issue upon the
35 complaint of the Director of the Division of Consumer Affairs.

36 (cf: P.L.1977, c.213, s.3)

37 ¹[465.] ²[468.1] 466.2 R.S.47:1-6 is amended to read as follows:

38 47:1-6. No map, plat, plan or chart of lands, required or that
39 may be required by law to be filed, or that may be presented to
40 the county clerk [of the County Court], register of deeds and
41 mortgages or surrogate in any county of this State, shall be
42 received for filing unless the same shall be made upon translucent
43 tracing cloth, with fast-colored, waterproof ink and be
44 accompanied by a cloth-print duplicate.

45 (cf: P.L.1953, c.45, s.2)

46 ¹[466.] ²[469.1] 467.2 R.S.47:1-8 is amended to read as follows:

47 47:1-8. Whenever any records of any deeds, mortgages or other
48 instruments of record in the office of any clerk or register of
49 deeds and mortgages of any county of this State are becoming

1 worn out, mutilated, obliterated, obscured, or in such condition
2 that by use the same would be likely to become entirely void, lost
3 or unintelligible, and the title to lands or other property
4 endangered, such clerk or register of deeds and mortgages shall,
5 upon the order of any judge of the [County] Superior Court [of
6 such county], rerecord such records anew, in books to be kept in
7 the office of such clerk or register of deeds and mortgages, which
8 books shall be known as the book of "rerecorded deeds," or
9 otherwise, in accordance with the types of instruments so
10 rerecorded, shall be numbered and paged as were the old books,
11 shall be certified by such clerk or register of deeds and
12 mortgages, under his hand and seal, to be true copies of the
13 original records, and shall be reindexed in the appropriate books
14 of indexes of such recorded deeds, mortgages or instruments in
15 such counties, being marked as reindexed. The expense of such
16 rerecording shall be paid by the county in which the same is done,
17 as the judge may determine and direct.

18 (cf: P.L.1953, c.45, s.3)

19 ¹[467.] ²[470.1] 468.² Section 3 of P.L.1953, c.269 (C.47:3-11)
20 is amended to read as follows:

21 3. None of the papers described in this act shall be removed
22 and destroyed, or the records therein effectively obliterated, as
23 provided herein, except on sixty days written notice to the
24 Superior Court Assignment Judge, [the County Judge of the
25 County] and to the Division of State Library, Archives and
26 History, in the Department of Education, and said division may
27 acquire any of said papers for inclusion in the material bearing
28 upon the history of the Government and the people of this State
29 in the custody of the said division. Upon any such disposition of
30 said papers by the county clerk or register of deeds and
31 mortgages, as provided herein, the said county clerk or register
32 of deeds and mortgages, as the case may be, shall file with the
33 said division, a certificate under his hand and seal, setting forth
34 the papers disposed of and the date of disposition. A copy of
35 every such certificate shall be retained in the office of the
36 county clerk or register of deeds and mortgages.

37 (cf: P.L.1953, c.269, s.3)

38 ¹[468.] ²[471.1] 469.² R.S.48:4-35 is amended to read as
39 follows:

40 48:4-35. a. "Motor vehicle" as used in this article includes all
41 vehicles propelled otherwise than by muscular power (excepting
42 such vehicles as run only upon rails or tracks exclusively)
43 carrying passengers for hire now or hereafter operated by virtue
44 of a certificate of public convenience and necessity including
45 vehicles used in connection with charter or special bus operations
46 to which this act applies within the State of New Jersey.

47 b. "Self-insurer" means any person who, by virtue of any law of
48 this State is exempted by some official, board or body of this
49 State from the requirements imposed upon other owners of
50 similar motor vehicles to carry insurance in an insurance
51 company.

1 c. "Financial responsibility" means ability to satisfy claims to
2 the extent set forth in section 48:4-36 of this Title.

3 d. "For hire" means compensation in any form, whether
4 directly or indirectly made.

5 e. "Financial coverage" means insurance and also self-insurer.

6 f. "Magistrate" shall [be deemed and understood to] mean [and
7 include all justices of the peace,] judges [of county and criminal
8 courts, police judges, recorders, mayors] and other officers
9 having powers of the committing magistrate[; but shall not
10 include a justice of the peace sitting within the corporate limits
11 of any municipality having a police judge, police justice,
12 recorder's court or city criminal court].

13 (cf: P.L.1973, c.158, s.8)

14 ¹[469.] ²[472.1] ^{470.2} Section 51 of P.L.1972, c.186
15 (C.48:5A-51)

16 ~~51. a. Any person or any officer or agent thereof who shall~~
17 ~~knowingly violate any of the provisions of this act or aid or advise~~
18 ~~in such violation, or who, as principal, manager, director, agent,~~
19 ~~servant or employee knowingly does any act comprising a part of~~
20 ~~such violation, is guilty of a misdemeanor.~~

21 ~~b. Any person who shall violate any provision of this act or any~~
22 ~~rule, regulation or order duly promulgated hereunder, shall be~~
23 ~~liable to a penalty of not more than \$500.00 for a first offense,~~
24 ~~not less than \$100.00 nor more than \$1,000.00 for a second~~
25 ~~offense, and not less than \$500.00 nor more than \$1,000.00 for a~~
26 ~~third and every subsequent offense. The penalties provided in~~
27 ~~this subsection shall be enforced by summary proceedings~~
28 ~~instituted by the board in the name of the State in accordance~~
29 ~~with the "Penalty Enforcement Law" (N.J.S.2A:58-1 et seq.).~~
30 ~~The Superior Court[, County Court, county district court] and the~~
31 ~~municipal courts shall [all] have jurisdiction to enforce said~~
32 ~~"Penalty Enforcement Law" in connection with this act.~~

33 c. Whenever it shall appear to the board that any person has
34 violated, intends to violate, or will violate any provisions of this
35 act or any rule, regulation or order duly promulgated hereunder,
36 the board may institute a civil action in the Superior Court for
37 injunctive relief and for such other relief as may be appropriate
38 in the circumstances, and the said court may proceed in any such
39 action in a summary manner.

40 (cf: P.L.1972, c.186, s.51)

41 ¹[470.] ²[473.1] ^{471.2} R.S.48:8-8 is amended to read as follows:

42 48:8-8. All owners or keepers of ferries shall construct and
43 maintain safe places of landing, where they are needed, upon
44 penalty of forfeiting such sum as the [County] Superior Court [of
45 the county where the same is needed,] shall, upon complaint,
46 determine to be sufficient to construct or repair such convenient
47 landing. The forfeiture shall, by order of said court, be
48 appropriated and laid out for that purpose.

49 (cf: P.L.1962, c.198, s.97)

1 ¹[471.] ²[474.1] 472.2 R.S.48:8-17 is amended to read as
2 follows:

3 48:8-17. The penalties imposed by this article shall be
4 recoverable by action at law, with costs, in any court having
5 cognizance thereof, by any person who will sue for the same.

6 Whenever any action for the recovery of any such penalty is
7 prosecuted [in a county district court and whenever the action is
8 prosecuted in any other court] it may be commenced by *capias ad*
9 *respondendum* or summons, any law, usage or custom to the
10 contrary notwithstanding.

11 (cf: P.L.1962, c.198, s.98)

12 ¹[472.] ²[475.1] 473.2 Section 1 of P.L.1971, c.62, ²[s.1]²
13 (C.48:10-11) is amended to read as follows:

14 1. Any person who violates any provision of the Natural Gas
15 Safety Act, (P.L.1952, c.166, C.48:10-2 et seq.) as amended and
16 supplemented or any order, rule or regulation issued thereunder,
17 shall be subject to a civil penalty of not more than \$2,500.00 for
18 each violation for each day that the violation persists; however,
19 the maximum civil penalty shall not exceed \$200,000.00 for any
20 related series of violations.

21 Any civil penalty may be compromised by the Board of Public
22 Utility Commissioners. In determining the amount of the
23 penalty, or the amount agreed upon in compromise, the
24 appropriateness of the penalty to the size of the business of the
25 person charged, the gravity of the violation, and the good faith of
26 the person charged in attempting to achieve compliance, after
27 notification of a violation, shall be considered. The amount of
28 the penalty, when finally determined, or the amount agreed upon
29 in compromise, may be deducted from any sums owing by the
30 State to the person charged or may be recovered in a summary
31 proceeding in accordance with the Penalty Enforcement Law
32 (N.J.S.2A:58-1 et seq.). The Superior Court[, County Court,
33 county district court] and the municipal court shall have
34 jurisdiction to enforce the provisions of this act.

35 (cf: P.L.1971, c.62, s.1)

36 ¹[473.] ²[476.1] 474.2 Section 14 of P.L.1977, c.76 (C.49:5-14)
37 is amended to read as follows:

38 14. Civil Penalties. In addition to any other sanctions herein or
39 otherwise provided by law, the bureau chief, upon notice and
40 hearing, may impose a penalty not exceeding \$10,000.00 for any
41 violation of this act or of any rule or regulation duly issued
42 hereunder. Such penalty shall be recovered by and in the name of
43 the bureau chief in a civil action by a summary proceeding under
44 the Penalty Enforcement Law (C.2A:58-1 et seq.) in the Superior
45 Court[, County Court, county district court] or a municipal
46 court[, all of] which shall have jurisdiction to enforce said
47 Penalty Enforcement Law in connection with this act. Where any
48 violation of this act or of any rule or regulation duly issued
49 hereunder is of a continuing nature, each day during which such
50 violation continues after the date fixed by the bureau chief in

1 any order or notice for the correction or termination of such
2 violation, shall constitute an additional separate and distinct
3 offense, except during the time an appeal from said order or
4 notice may be taken or is pending.

5 (cf: P.L.1977, c.76, s.14)

6 ¹[474.] ²[477.1] 475.² R.S.50:2-9 is amended to read as follows:

7 50:2-9. When the person in charge of any boat or vessel
8 licensed under the provisions of this Title, or any person holding a
9 tonger's license, is hailed or signaled by any officer of the
10 department and refuses to stop and permit such officer or
11 officers to board his boat, vessel or other craft and examine the
12 oysters, oyster shells and other material thereon or if having
13 permitted the officer or officers to board, and a violation of
14 R.S.50:2-7 or R.S.50:2-8 having been found, refuses to comply
15 with an order that he recall such oysters and oyster shells or
16 immediately throw them upon the beds or grounds from which
17 they were taken, the commissioner, in addition to the penalties
18 provided in section 73 of P.L.1979, c. 199 (C.23:2B-14), may
19 revoke the license of such boat or vessel and the license of the
20 tonger and the department may seize and secure any such boat,
21 vessel and equipment and shall immediately thereafter give
22 notice thereof to [a county district court or] the Superior Court
23 which shall summarily hear and determine whether there was a
24 violation of this section, and if it does so determine, it may
25 direct the confiscation and forfeiture of the vessel, boat and
26 equipment for the use of the department. The commissioner may
27 dispose of such confiscated and forfeited property at his
28 discretion.

29 (cf: P.L.1980, c.120, s.3)

30 ¹[475.] ²[478.1] 476.² R.S.51:1-12 is amended to read as
31 follows:

32 51:1-12. A person violating any provision of sections 51:1-10 or
33 51:1-11 of this Title shall be liable to a penalty of \$100.00 to be
34 recovered in the municipal court or [county district court]
35 Superior Court by any person who may sue therefor. Such penalty
36 when recovered shall be paid to the county treasurer of the
37 county in which the violation occurred.

38 (cf: P.L.1969, c.251, s.1)

39 ¹[476.] ²[479.1] 477.² R.S.51:1-110 is amended to read as
40 follows:

41 51:1-110. In all actions brought under the provisions of this
42 chapter in [a county district court] the Superior Court or
43 municipal court, the prevailing party therein shall be entitled to
44 recover his taxed costs which costs shall be taxed as in other
45 actions in the court in which the action is instituted. The
46 governing bodies of the several counties and of the several
47 municipalities shall provide in their budgets or from other sources
48 a sum sufficient for such costs.

49 (cf: P.L.1953, c.48, s.10)

1 ¹[477.] ²[480.1] 478.² Section 20 of P.L.1938, c.182
2 (C.51:1-132) is amended to read as follows:

3 20. A proceeding to recover any penalty incurred under the
4 provisions of this act, or acts supplementary or amendatory
5 thereof, may be brought in the name of the State of New Jersey
6 by any duly appointed weights and measures officers in [any
7 county district court] the Superior Court or municipal court of
8 any municipality of this State, wherein the violation occurs,
9 which courts shall have jurisdiction over the proceeding. The
10 proceeding shall be summary and in accordance with the Penalty
11 Enforcement Law (N.J.S.2A:58-1 et seq.). Process shall be either
12 in the nature of a summons or warrant and it may be directed to
13 any weights and measures officer, or to any constable or police
14 officer, commanding him to cause the person or persons so
15 complained of to be summoned or arrested and brought before
16 the court.

17 No defendant under any body execution shall be detained for a
18 period exceeding ten days, except as may be otherwise provided
19 by this act.

20 It shall be the duty of the city attorney of any municipality
21 wherein such violation shall take place to assist in the
22 prosecution of the same, unless such municipality has no such
23 municipal superintendent of weights and measures as provided for
24 in section 51:1-43 of the Revised Statutes, in which case the
25 county prosecutor of the county wherein such violation shall take
26 place shall assist in such prosecution. All fines and penalties
27 collected from persons offending against the provisions of this
28 act shall be paid by the [magistrate or] court clerk receiving the
29 same, when recovered by a State weights and measures officer,
30 to the State Treasurer; when recovered by a county weights and
31 measures officer, to the county treasurer of such county; and
32 when recovered by a municipal weights and measures officer, to
33 the municipality which such officer represents. For violation of
34 any of the provisions of this act, done within the view of any
35 weights and measures officer, such weights and measures officer
36 is authorized, without warrant, to arrest the offender or
37 offenders and to conduct him or them before the [county district
38 court] Superior Court or a municipal court in the county wherein
39 such offense is committed.

40 (cf: P.L.1953, c.48, s.13)

41 ¹[478.] ²[481.1] 479.² R.S.51:3-1 is amended to read as follows:

42 51:3-1. The board of chosen freeholders of each county shall
43 erect, and properly inclose and protect at public spots, adjacent
44 to the court house of the county, two substantial pillars on the
45 same meridian line and not less than one hundred feet apart. The
46 board shall cause to be determined the accurate latitude and
47 longitude of the first of said pillars, reckoning the longitude from
48 the meridian at Washington, and shall have said latitude and
49 longitude distinctly and legibly marked on said pillar in degrees,

1 minutes, seconds and parts of a second. Upon the summit of the
2 first pillar there shall be immovably placed a brass plate,
3 indented with a line indicating the true meridian. There shall
4 also be placed on said first pillar a hair sight, in such a manner
5 that a straight line passing through the center thereof, extended
6 to a distinctly visible needle point, which shall be maintained on
7 the summit of the second pillar, will be in the line of the true
8 meridian running north and south. The board shall cause the said
9 meridian line to be verified at any time, when required by order
10 of any judge of the [County] Superior Court [of said county].

11 (cf: P.L.1953, c.48, s.14)

12 ¹[479.] ²[482.1] 480.² Section 15 of P.L.1968, c.222 (C.51:4-37)
13 is amended to read as follows:

14 15. The superintendent shall have the power to issue subpoenas
15 to compel production of any pertinent records, books or
16 documents or the attendance of witnesses in any matter
17 pertaining to his duties and shall have the power to administer
18 oaths in taking testimony. Subpoenas shall be issued under the
19 seal of the superintendent and shall be served in the same manner
20 as subpoenas issued out of [a County] the Superior Court of this
21 State.

22 Upon the failure of any person to obey a subpoena as aforesaid,
23 the superintendent may apply to the Superior Court for
24 appropriate relief.

25 (cf: P.L.1968, c.222, s.15)

26 ¹[480.] ²[483.1] 481.² Section 16 of P.L.1968, c.222 (C.51:4-38)
27 is amended to read as follows:

28 16. Any person who knowingly violates any of the provisions of
29 this act for which specific penalty or punishment is not otherwise
30 provided, shall pay a penalty of not less than \$50.00 nor more
31 than \$100.00 for the first offense, ~~not less than \$100.00 nor more~~
32 ~~than \$250.00 for the second offense, and not less than \$250.00 nor~~
33 ~~more than \$500.00 for each subsequent offense.~~

34 [Every county district court] The Superior Court and municipal
35 court shall have jurisdiction of proceedings for the collection and
36 enforcement of a penalty imposed because of the violation,
37 within the territorial jurisdiction of the court, of any provision of
38 this act. The penalty shall be collected and enforced in a
39 summary proceeding pursuant to the Penalty Enforcement Law
40 (N.J.S.2A:58-1 et seq.). Process shall be either in the nature of
41 a summons or warrant and shall issue in the name of the State,
42 upon the complaint of the superintendent or any other weights
43 and measures official.

44 (cf: P.L.1968, c.222, s.16)

45 ¹[481.] ²[484.1] 482.² Section 3 of P.L.1981, c.96 (C.51:6A-3)
46 is amended to read as follows:

47 3. Any person who violates any provision of this act shall be
48 liable to a mandatory penalty of not less than \$100.00 nor more
49 than \$500.00 recoverable by the Superintendent of Weights and

1 Measures pursuant to "the penalty enforcement law"
2 (N.J.S.2A:58-1 et seq.). An action for the recovery of a civil
3 penalty for violation of this act shall be within the jurisdiction of
4 and may be brought before [any superior court, county district
5 court] the Superior Court or municipal court in the [county or]
6 municipality where the offense is committed or where the
7 defendant resides or where the defendant may be apprehended.

8 A summons or warrant against any foreign business entity doing
9 business in this State shall be processed as provided by law.

10 (cf: P.L.1981, c.96, s.3)

11 ¹[482.] ²[485.1] 483.² R.S.51:7-9 is amended to read as follows:

12 51:7-9. Any penalty incurred under the provisions of this
13 chapter shall be sued for in the name of the State of New Jersey
14 by any weights and measures officer. Jurisdiction of all cases
15 arising out of violations of the provisions of this chapter is hereby
16 conferred upon the [county district court] Superior Court and the
17 municipal courts in the county in which such violations are
18 committed.

19 (cf: P.L.1953, c.48, s.16)

20 ¹[483.] ²[486.1] 484.² R.S.51:8-16 is amended to read as
21 follows:

22 51:8-16. For violation of any of the provisions of this chapter,
23 done within the view of any weights and measures officer, such
24 weights and measures officer is authorized, without warrant, to
25 arrest the offender or offenders and to conduct him or them
26 before the [county district court] Superior Court or any municipal
27 court having jurisdiction [is] in the county wherein such arrest is
28 made or the offense is committed.

29 (cf: P.L.1953, c.48, s.19)

30 ¹[484.] ²[487.1] 485.² R.S.51:9-12 is amended to read as
31 follows:

32 51:9-12. A complaint having been made to [a county district
33 court] the Superior Court or a municipal court by any weights
34 and measures official, that any person has violated any of the
35 provisions of this chapter, a summons or a warrant may issue
36 directed to any weights and measures official or to any constable
37 or police officer for the appearance or arrest of the person so
38 charged.

39 (cf: P.L.1953, c.48, s.25)

40 ¹[485.] ²[488.1] 486.² R.S.51:9-18 is amended to read as
41 follows:

42 51:9-18. Any [constable or] police officer, or weights and
43 measures official is hereby authorized to arrest, without
44 warrant, any person violating, in the presence of such [constable,
45 or] police officer, or weights and measures official any of the
46 provisions of this chapter, and to bring the defendant before the
47 [county district court] Superior Court or a municipal court in the
48 county where such offense is committed.

49 (cf: P.L.1953, c.48, s.31)

1 ¹[486.] ²[489.1] 487.² R.S.51:9-20 is amended to read as
2 follows:

3 51:9-20. A summons or warrant issued by any court having
4 jurisdiction in accordance with the provisions of this chapter
5 shall be valid throughout the State, and any officer who has
6 power to serve the said summons, or to serve said warrant and
7 make arrest thereon, in the county where the same shall have
8 been issued, shall have like power to serve said summons and to
9 serve said warrant and make arrest thereon in any of the several
10 counties of the State. If any person shall be arrested for a
11 violation committed in the county other than that in which the
12 arrest shall take place, the person so arrested may demand to be
13 taken before the [county district court] Superior Court or a
14 municipal court in the county in which the arrest may have been
15 made for the purpose of making a cash deposit or of entering into
16 a recognizance with sufficient surety; whereupon the officer
17 serving the said warrant shall take the person so apprehended
18 before such a court in the county in which the arrest shall have
19 been made, which shall thereupon fix a day for the matter to be
20 heard before the court issuing the said warrant, and shall take
21 from the person apprehended a cash deposit or recognizance to
22 the State of New Jersey with sufficient surety or sureties for the
23 appearance of the said person at the time and place designated.
24 The cash deposit or recognizance so taken shall be returned to
25 the court issuing the warrant, to be retained and disposed of by it
26 as by this chapter provided.

27 (cf: P.L.1953, c.48, s.33)

28 ¹[487.] ²[490.1] 488.² Section 1 of P.L.1952, c.143 (C.51:10-1)
29 is amended to read as follows:

30 1. For the purpose of this act the following words shall be
31 deemed to have the meaning herein given them:

32 (a) "Liquefied petroleum gas" shall mean and include any
33 material or substance which is composed predominantly of any of
34 the following hydrocarbons or mixtures of the same:

35 Propane, propylene, butane, normal or iso-, and butylene.

36 (b) "Superintendent" shall mean the Superintendent of the
37 Division of Weights and Measures of the Department of Law and
38 Public Safety.

39 (c) "Weights and measures officer" shall mean and include the
40 superintendent of weights and measures or his deputy or assistant
41 superintendents, county superintendents of weights and measures
42 or their assistants, and municipal superintendents of weights and
43 measures or their assistants.

44 (d) "Court" shall be construed to mean and to include [any
45 county district court, criminal judicial district court] the Superior
46 Court or municipal court.

47 (cf: P.L.1953, c.48, s.35)

48 ¹[488.] ²[491.1] 489.² Section 14 of P.L.1952, c.143
49 (C.51:10-14) is amended to read as follows:

1 14. Any penalty shall be recovered as specified in sections
2 51:1-103 and 51:1-105 to 51:1-107 of the Revised Statutes. An
3 action for the recovery of a penalty for violation of any of the
4 provisions of this act shall be within the jurisdiction of and may
5 be brought before the [county district court or its criminal
6 judicial district court] Superior Court or a municipal court in the
7 county in which the offense is committed or where the defendant
8 may reside. In any proceeding process shall be the same as that
9 provided for in said sections of the Revised Statutes, and any
10 weights and measures officer shall have power to arrest any
11 offender without warrant where there is a violation of this act
12 within his view, and conduct him before any court having
13 jurisdiction in the county where the arrest is made or the offense
14 committed.

15 (cf: P.L.1953, c.48, s.36)

16 ¹[489.] ²[492.1] ^{490.2} Section 21 of P.L.1968, c.450,
17 (C.51:11-21) is amended to read as follows:

18 21. The superintendent shall have the power to issue subpoenas
19 to compel production of any pertinent records, books, or
20 documents or the attendance of witnesses in any matter
21 pertaining to his duties and shall have the power to administer
22 oaths in taking testimony. Subpoenas shall be issued under the
23 seal of the superintendent and shall be served in the same
24 manner as subpoenas issued out of [a county court] the Superior
25 Court of the State.

26 Upon the failure of any person to obey a subpoena as aforesaid,
27 the superintendent may apply to the Superior Court for
28 appropriate relief.

29 (cf: P.L.1968, 450, s.21)

30 ¹[490.] ²[493.1] ^{491.2} Section 25 of P.L.1968, c.450
31 (C.51:11-25) is amended to read as follows:

32 25. [Every county district court] The Superior Court and
33 municipal court shall have jurisdiction of proceedings for the
34 enforcement and collection of a penalty imposed because of the
35 violation, within the territorial jurisdiction of the court, of any
36 provision of this act. The penalty shall be collected and enforced
37 in a summary proceeding pursuant to the Penalty Enforcement
38 Law (N.J.S.2A:58-1 et seq.). Process shall be either in the nature
39 of a summons or warrant and shall issue in the name of the State,
40 upon the complaint of the superintendent or any other weights
41 and measures official; provided, however, that any weights and
42 measures official on the violation of any of the provisions of this
43 act within this view may without warrant arrest the offender and
44 conduct him before the court having jurisdiction in the
45 municipality where the arrest is made or the offense committed.
46 Such court on the filing of written verified complaint setting
47 forth the nature of the offense shall hear and determine in a
48 summary manner, the guilt or innocence of the defendant and
49 inflict the penalties provided by law.

50 (cf: P.L.1968, c.450, s.25)

1 ¹[491.] ²[494.1] 492.² Section 25 of P.L.1971, c.369 (C.51:12-6)
2 is amended to read as follows:

3 25. Any person who shall violate any provisions of this act, or
4 any rule or regulation of the commissioner promulgated pursuant
5 to this act shall be subject to a penalty of not more than \$200.00
6 for a first offense and not more than \$2,000.00 for each
7 subsequent offense. Proceedings to collect and enforce such
8 penalties shall be summary pursuant to the State Penalty
9 Enforcement Law (N.J.S.2A:58-1 et seq.) in the Superior Court[,
10 County Court, county district court,] or a municipal court, [all
11 both of which shall have jurisdiction to enforce said Penalty
12 Enforcement Law in connection with this act.

13 (cf: P.L.1971, c.369, s.6)

14 ¹[492.] ²[495.1] 493.² Section 1 of P.L.1955, c.155 (C.52:2-3) is
15 amended to read as follows:

16 1. The Governor of the State, the head of any principal
17 executive department of the State, the members of the
18 Legislature of the State, the Justices of the Supreme Court, the
19 judges of the Superior Court, [the county judges,] the Secretary
20 of the Senate, the Clerk of the General Assembly and members of
21 the Congress of the United States and each of them, are
22 authorized to use, exhibit and display the Great Seal of the State
23 of New Jersey, in whole or in part, including such use, exhibition
24 and display on their motor vehicle license plates.

25 (cf: P.L.1968, c.40, s.1)

26 ¹[493.] ²[496.1] 494.² Section 12 of P.L.1968, c.266
27 (C.52:9M-12) is amended to read as follows:

28 12. With respect to the performance of its functions, duties and
29 powers and subject to the limitation contained in paragraph d. of
30 this section, the commission shall be authorized as follows:

31 a. To conduct any investigation authorized by this act at any
32 place within the State; and to maintain offices, hold meetings and
33 function at any place within the State as it may deem
34 necessary;

35 b. To conduct private and public hearings, and to designate a
36 member of the commission to preside over any such hearing; no
37 public hearing shall be held except after adoption of a resolution
38 by majority vote, and no public hearing shall be held by the
39 commission until after the Attorney General and the appropriate
40 county prosecutor or prosecutors shall have been given at least 7
41 days written notice of the commission's intention to hold such a
42 public hearing and afforded an opportunity to be heard in respect
43 to any objections they or either of them may have to the
44 commission's holding such a hearing;

45 c. To administer oaths or affirmations, subpoena witnesses,
46 compel their attendance, examine them under oath or
47 affirmation, and require the production of any books, records,
48 documents or other evidence it may deem relevant or material to
49 an investigation; and the commission may designate any of

1 its members or any member of its staff to exercise any such
2 powers;

3 d. Unless otherwise instructed by a resolution adopted by a
4 majority of the members of the commission, every witness
5 attending before the commission shall be examined privately and
6 the commission shall not make public the particulars of such
7 examination. The commission shall not have the power to take
8 testimony at a private hearing or at a public hearing unless at
9 least two of its members are present at such hearing, except that
10 the commission shall have the power to conduct private hearings,
11 on an investigation previously undertaken by a majority of the
12 members of the commission, with one commissioner present,
13 when so designated by resolution;

14 e. Witnesses summoned to appear before the commission shall
15 be entitled to receive the same fees and mileage as persons
16 summoned to testify in the courts of the State.

17 If any person subpoenaed pursuant to this section shall neglect
18 or refuse to obey the command of the subpoena, any judge of the
19 superior court [or of a county court] or any municipal
20 [magistrate] court may, on proof by affidavit of service of the
21 subpoena, payment or tender of the fees required and of refusal or
22 neglect by the person to obey the command of the subpoena, issue
23 a warrant for the arrest of said person to bring him before the
24 judge [or magistrate], who is authorized to proceed against such
25 person as for a contempt of court.

26 (cf: P.L.1979, c.254, s.11)

27 ¹[494.] ²[497.1] ²495.2 R.S.52:12-2 is amended to read as
28 follows:

29 52:12-2. The legislative manual shall include in the contents of
30 each volume the following:

31 a. The Constitution of the State of New Jersey;

32 b. The rules of the Senate, the rules of the General Assembly,
33 and the joint rules and orders of the Senate and General
34 Assembly;

35 c. A correct list of the members of the Legislature of the
36 Session for which the volume is published, with their post-office
37 addresses;

38 d. A correct list of the several State officers, with the names
39 of their offices, their post-office addresses, the terms for which
40 they are elected or appointed and the date of the expiration
41 thereof;

42 e. A correct list of the names of the Chief Justice and
43 Justices of the Supreme Court, and the judges of the Superior
44 Court, their terms of office and the date of the expiration
45 thereof;

46 f. A correct list of the officers of each county, including the
47 sheriff, coroners, county clerk, surrogate, county treasurer,
48 register of deeds and mortgages, and county prosecutors, with
49 their post-office addresses, their terms of office and the date of

1 the expiration thereof;

2 g. A list of [the County Courts and] the United States Courts in
3 and for this State, with the names of the judges, clerks, the
4 place where held and the time of holding their several terms;

5 h. The names of the President and Officers of the United
6 States Government, and the names and post-office addresses of
7 the United States judges and other officers of the United States
8 Courts in this State;

9 i. The latest census of this State taken under the authority of
10 the United States, as well as any census of the State when taken
11 under the authority of the State;

12 j. The election returns of the general election next preceding
13 the meeting of the Legislature for which the volume is
14 published;

15 k. A careful synopsis of all the annual reports of the State
16 departments and institutions required by law to be submitted to
17 the Governor or Legislature; and

18 l. Such other matter as the Governor or Legislature may from
19 time to time direct to be published in such volume, or which the
20 compilers of the volume may see fit to print, pertaining to the
21 affairs of the State.

22 (cf: P.L.1953, c.49, s.1)

23 ¹[495.] ²[498,1] 496.² R.S.52:14-12 is amended to read as
24 follows:

25 52:14-12. Upon the death of a State officer holding an office
26 which is to be filled by the Governor and Senate, or by the
27 Legislature in joint meeting, or by the people at an annual
28 election, the assignment judge of the [County] Superior Court of
29 the county in which the deceased officer resided at the time of
30 his death [or the county judge living nearest to the residence of
31 such officer if there are two or more county judges] shall
32 forthwith give notice and information, in writing, to the
33 Governor, or person administering the government of this State,
34 of the death of such officer and the time thereof, according to
35 the best of the knowledge and belief of the judge. The notice
36 shall be filed by the Governor, or person administering the
37 government, in the office of the Secretary of State.

38 The Governor, or person administering the government, shall
39 communicate to the Legislature at the earliest opportunity,
40 notice of the death of every officer whose office is to be filled by
41 the Legislature in joint meeting, and of every case in which, by
42 reason of death, either house of the Legislature is authorized to
43 issue writs of election for supplying vacancies.

44 (cf: P.L.1953, c.49, s.5)

45 ¹[496.] ²[499,1] 497.² Section 3 of P.L.1952, c.336
46 (C.52:17B-41.3) is amended to read as follows:

47 3. The board shall hold at least two meetings each year and
48 may hold such other meetings as it may deem advisable. The
49 time and place of all such meetings shall be determined by the

1 board.

2 The board shall elect a president, a secretary and a treasurer
3 from its membership and shall have a common seal, of which all
4 courts of this State shall take judicial notice. Its president, or
5 secretary, may issue subpoenas to compel attendance of
6 witnesses to testify before the board and administer oaths in
7 taking testimony in any matter pertaining to its duties, which
8 subpoenas shall issue under the seal of the board and shall be
9 served in the same manner as subpoenas issued out of the [County
10 Courts] Superior Court of this State, and every person who
11 refuses or neglects to obey the command of such subpoena, or
12 who, after appearing, refuses to be sworn and testify, shall, in
13 either, event, be liable to a penalty of fifty dollars (\$50.00) to be
14 sued for in the name of the board in any court of competent
15 jurisdiction, which penalty when collected shall be paid to the
16 treasurer of said board.

17 The board may appoint an agent, subject to the approval of the
18 Attorney General, whose title shall be "inspector of the State
19 Board of Examiners of Ophthalmic Dispensers and Ophthalmic
20 Technicians," who shall hold office during the pleasure of the
21 board and who may be removed by the board subject to the
22 approval of the Attorney General, and shall, during his
23 continuance in office, be authorized to serve and execute any
24 process issued by any court of record under the provisions of this
25 act. Such agent shall not be subject to the provisions of the Civil
26 Service law.

27 (cf: P.L.1952, c.336, s.3)

28 ¹[497.] ²[500.1] 498.² Section 18 of P.L.1952, c.336
29 (C.52:17B-41.18) is amended to read as follows:

30 18. Any person who, after this act becomes operative, shall
31 practice as a licensed ophthalmic dispenser or ophthalmic
32 technician as defined in section five of this act, or hold himself
33 out to be a qualified or licensed ophthalmic dispenser or
34 ophthalmic technician, or designate himself by any other term or
35 title which implies that he is an ophthalmic dispenser or
36 ophthalmic technician without having been licensed as a qualified
37 ophthalmic dispenser or ophthalmic technician, by the board,
38 shall be liable to a penalty of two hundred dollars (\$200.00),
39 which penalty shall be recovered in a summary manner in [any
40 county or district court] the Superior Court in the manner
41 prescribed by the rules of procedure for those courts.

42 (cf: P.L.1952, c.336, s.18)

43 ¹[498.] ²[501.1] 499.² Section 6 of P.L.1967, c.234
44 (C.52:17B-83) is amended to read as follows:

45 6. The office of county medical examiner is hereby created and
46 shall be maintained in each county, except that several counties
47 may jointly maintain the office on a cooperative basis. The
48 office shall be directed by a county medical examiner who shall
49 be appointed by the board or boards of chosen freeholders of the

1 county or counties maintaining such office for a term of 5 years;
 2 provided, however, that any person in office as county physician
 3 or chief medical examiner on the effective date of this act shall
 4 continue as county medical examiner until the expiration of the
 5 term for which he was appointed. The county medical examiner
 6 shall be a licensed physician, of recognized ability and good
 7 standing in his community, with such training or experience as
 8 may be prescribed by standards promulgated by the State Medical
 9 Examiner by rule or regulation.

10 If the board of chosen freeholders shall fail to appoint a county
 11 medical examiner or if the office of county medical examiner
 12 shall become vacant or upon the written request of any
 13 assignment judge of the superior court or of the board of chosen
 14 freeholders of the county, the State Medical Examiner shall
 15 designate one of his assistants to perform the duties of the
 16 office. Whenever the State Medical Examiner shall have taken
 17 over the duties of a county medical examiner, he shall have all
 18 the authority conferred by law upon a county medical examiner
 19 and he may appoint such temporary assistants, aides,
 20 investigators or other personnel as he may deem necessary. In
 21 such event there shall be paid, by the treasurer of the county or
 22 counties, as the case may be, such sum for this service as the
 23 assignment judge of the superior court of the county or counties
 24 [for a judge of a county court of said county or counties] shall
 25 certify and fix, on the application of the State Medical Examiner,
 26 provided, that the compensation allowed shall not exceed that
 27 provided by law for the payment of the county medical examiner
 28 in said county or counties for the same or similar services.

29 (cf: P.L.1971, c.131, s.1)

30 ¹[499.] ²[502.1] 500.² Section 12 of P.L.1970, c.74
 31 (C.52:17B-108) is amended to read as follows:

32 12. Whenever the Attorney General, personally or by his
 33 deputies or assistants, shall attend in any county for the
 34 ~~prosecution of all or any part of the criminal business of the~~
 35 State in said county, he shall have all the power and authority of
 36 the county prosecutor, including the investigation of alleged
 37 crimes, the attendance before the criminal courts and grand
 38 juries of the county, the preparation and trial of indictments for
 39 crimes, the representation of the State in all proceedings in
 40 criminal cases on appeal or otherwise in the courts of this State,
 41 and in addition, shall have the power to appoint such temporary
 42 assistants, aides, investigators or other personnel and incur such
 43 expenses as he shall deem necessary.

44 Whenever the criminal business or any part of the criminal
 45 business of any county is prosecuted by the Attorney General,
 46 personally or by his deputies or assistants, there shall be paid by
 47 the treasurer of the county such sum for that service, including
 48 the compensation of any deputy or assistant Attorney General, as
 49 the assignment judge of the superior court of the county [for a

1 judge of the county court of said county] shall certify and fix on
2 the application of the Attorney General; provided that the
3 compensation allowed shall not exceed that provided by law for
4 the payment by said county for the same or similar services.

5 (cf: P.L.1970, c.74, s.12)

6 ¹[500.] ²[503.1] 501.² Section 19 of P.L.1983, c.383
7 (C.52:27D-210) is amended to read as follows:

8 19. a. No person shall:

9 (1) Obstruct, hinder, delay or interfere by force or otherwise
10 with the commissioner or any local enforcing agency in the
11 exercise of any power or the discharge of any function or duty
12 under the provisions of this act;

13 (2) Prepare, utter or render any false statement, report,
14 document, plans or specification permitted or required under the
15 provisions of this act;

16 (3) Render ineffective or inoperative, or fail to properly
17 maintain, any protective equipment or system installed, or
18 intended to be installed, in a building or structure;

19 (4) Refuse or fail to comply with a lawful ruling, action, order
20 or notice of the commissioner or a local enforcing agency; or

21 (5) Violate, or cause to be violated, any of the provisions of
22 this act.

23 b. A person who violates or causes to be violated a provision of
24 subsection a. of this section shall be liable to a penalty of not
25 more than \$5,000.00 for each violation. If a violation of
26 subsection a. of this section is of a continuing nature, each day
27 during which the violation remains unabated after the date fixed
28 in an order or notice for the correction or termination of the
29 continuing violation shall constitute an additional and separate
30 violation, except while an appeal from the order is pending. If an
31 owner has been given notice of the existence of a violation of the
32 act and fails to abate the violation, he shall be liable to an
33 additional penalty in the amount of the actual cost to the
34 municipality or fire district of suppressing any fire, directly or
35 indirectly, resulting from the violation.

36 c. The commissioner or a local enforcing agency may levy and
37 collect penalties in the amounts set forth in this section, but not
38 in excess of the maximum amounts that the commissioner shall
39 establish by regulation for different types of violations. If the
40 administrative penalty order has not been satisfied by the 30th
41 day after its issuance, the penalty may be sued for, and recovered
42 by and in the name of the commissioner or the enforcing agency,
43 as the case may be, in a civil action by a summary proceeding
44 under "the penalty enforcement law," (N.J.S.2A:58-1 et seq.) in
45 the Superior Court[, county district court] or municipal court.
46 All moneys recovered in the form of penalties by a municipality
47 shall be paid into the treasury of the municipality and shall be
48 appropriated for the enforcement of the act. A person who fails
49 to pay immediately a money judgment rendered against him

1 pursuant to this subsection may be sentenced to imprisonment by
2 the court for a period not exceeding six months, unless the
3 judgment is sooner paid.

4 d. A person shall be deemed to have violated or caused to have
5 violated a provision of subsection a. of this section if an officer,
6 agent or employee under his control and with his knowledge has
7 violated or caused to have violated any of the provisions of
8 subsection a. of this section.

9 e. Upon request of the owner or purchaser of a building or
10 structure, the enforcing agency having jurisdiction over the
11 building or structure shall issue a certificate either enumerating
12 the violations indicated by its records to be unabated and the
13 penalties or fees indicated to be unpaid, or stating that its
14 records indicate that no violations remain unabated and no
15 penalties or fees remain unpaid.

16 f. A person who purchases a property without having obtained a
17 certificate stating that there are no unabated violations of record
18 and no unpaid fees or penalties shall be deemed to have notice of
19 all violations of record and shall be liable for the payment of all
20 unpaid fees or penalties.

21 (cf: P.L.1983, c.383, s.19)

22 ¹[501.] ²[504.1] 502.² R.S.54:3-23 is amended to read as
23 follows:

24 54:3-23. In case of the failure of a person to obey any such
25 order or subpoena of a county board of taxation, or to answer any
26 inquiry properly put to him upon such examination, the person
27 shall be punishable by the [County] Superior Court [of the county]
28 in the same manner as such failure is punishable by that court in
29 a case therein pending.

30 (cf: P.L.1953, c.51, s.18)

31 ¹[502.] ²[505.1] 503.² Section 11 of P.L.1976, c.63
32 (C.54:4-6.12) is amended to read as follows:

33 11. Any landlord who fails to provide property tax rebates to
34 his tenants in accordance with the provisions of this act, or who
35 knowingly and willfully fails to provide or post any notice,
36 certification, information or statement required by this act shall
37 be liable for a penalty of not more than \$100.00 for each
38 offense. Such penalty shall be collected and enforced by
39 summary proceedings pursuant to the Penalty Enforcement Law
40 (N.J.S.2A:58-1 et seq.). The [county district court of the county]
41 Superior Court and the municipal court of the municipality in
42 which the qualified real rental property is located shall have
43 jurisdiction over such proceedings. Process shall be in the nature
44 of a summons or warrant, and shall be issued upon the complaint
45 of the local enforcement agency, or any other person. Any
46 money received as a result of such proceedings shall be paid over
47 to the governing body of the municipality in which the qualified
48 real rental property is located and may be used by the governing
49 body for any lawful municipal purpose.

50 (cf: P.L.1976, c.63, s.11)

1 ¹[503.] ²[506.¹] 504.² R.S.54:4-16 is amended to read as
2 follows:

3 54:4-16. The assessor shall have power to examine under oath
4 any person or officer of a corporation with regard to the taxable
5 property of himself, the corporation or others, or the truth of the
6 matters contained in a claim for exemption of any person or
7 corporation, and may compel the attendance of such persons and
8 other witnesses and the production of books and papers by his
9 order therefor, designating the time and place for such
10 attendance and production. The order shall be served on the
11 person, witness or corporation at least two days before the time
12 named, either personally or by leaving it at the residence of the
13 person or witness or at the office of the corporation. In case of
14 failure to comply with the order, the assessor may apply ex parte
15 to the Superior Court [or County Court] to compel the person or
16 witness so to do.

17 (cf: P.L.1953, c.51, s.19)

18 ¹[504.] ²[507.¹] 505.² R.S.54:4-82 is amended to read as
19 follows:

20 54:4-82. Upon presentation of an application setting forth that
21 the applicant is in the custody of the sheriff or jailer of the
22 county for the nonpayment of a tax, that he applies for his
23 discharge and is without sufficient goods and chattels whereof to
24 make a distress and without means of payment of the tax and
25 costs, the [County] Superior Court shall thereupon direct the
26 sheriff or jailer to cause the applicant to be brought before it for
27 examination and for the hearing of the application. Notice of the
28 application, and of the time appointed for the hearing thereof,
29 shall be given to the legal representative of the municipality
30 wherein the tax was levied, who may be heard in relation to the
31 application. After the examination of the applicant and the
32 hearing, the court may order his discharge, or order his release
33 upon condition that he shall pay the tax and costs assessed
34 against him in such manner as the circumstances of the case shall
35 warrant. A person released upon condition that he shall pay the
36 tax and costs, who shall violate the condition of the order
37 releasing him, may be taken into custody and kept in confinement
38 until the tax and costs are paid.

39 (cf: P.L.1953, c.51, s.24)

40 ¹[505.] ²[508.¹] 506.² R.S.54:5-105 is amended to read as
41 follows:

42 54:5-105. The Superior Court [or a County Court] in an action
43 may direct the county clerk or register of deeds, as the case may
44 be, to cancel of record any tax sale certificate of record in the
45 county if it shall be satisfied by proof that the holder of the tax
46 sale certificate has been fully paid all moneys expended by him
47 for the tax sale certificate, including all expenses incurred by
48 him, and lawful interest therein according to law. The court may
49 proceed in the action in a summary manner or otherwise.

50 (cf: P.L.1953, c.51, s.92)

1 ¹[506.] ²[509.1] ²507.² Section 10 of P.L.1966, c.136
2 (C.54:11A-10) is amended to read as follows:

3 10. The director shall have power to examine under oath any
4 person or officer of a corporation with regard to the taxable
5 property of himself, the corporation or others, or the truth of
6 the matters contained in a claim for exemption of any person or
7 corporation, and may compel the attendance of such persons and
8 other witnesses and the production of books and papers by his
9 order therefor, designating the time and place for such
10 attendance and production. The order shall be served on the
11 person, witness or corporation at least 2 days before the time
12 named, either personally or by leaving it at the residence of the
13 person or witness or at the office of the corporation. In case of
14 failure to comply with the order, the director may apply ex parte
15 to the Superior Court [or County Court] to compel the person or
16 witness so to do.

17 (cf: P.L.1966, c.136, s.10)

18 ¹[507.] ²[510.1] ²508.² R.S.54:18-3 is amended to read as
19 follows:

20 54:18-3. Every agent or broker, residing or having an office or
21 place of business in this State, requested by the insurer to make
22 the return and payment as set forth in section 54:18-2 shall keep
23 accurate books of account of all business done by him as agent or
24 broker for which such a return is required, in which shall be put
25 down the name of the insured, the date and expiration of the
26 insurance, a description of the property insured, a statement of
27 its location, the amount of the insurance and of the premium paid
28 therefor. If any such agent or broker fails, neglects or refuses to
29 comply with any provisions of this chapter, or in case any fraud
30 or dishonesty in the returns, hereinbefore provided to be made by
31 him, is apparent or becomes known, the treasurer of a duly
32 incorporated firemen's relief association injured thereby may
33 obtain an order from a judge of the [County] Superior Court [of]
34 in the county in which the association is located, compelling the
35 agent or broker to produce in the court his books of account for
36 examination by the court.

37 (cf: P.L.1955, c.204, s.3)

38 ¹[508.] ²[511.1] ²509.² R.S.54:18-4 is amended to read as
39 follows:

40 54:18-4. Any such agent or broker who fails, neglects or refuses
41 to keep books of account as aforesaid, or to produce them in the
42 [County] Superior Court upon an order of the court, or to make
43 proper and accurate returns as hereinbefore provided, or to pay
44 over the percentage due upon any premium as aforesaid, at the
45 time and in the manner specified in this chapter, or who is found,
46 upon examination by the court, to have made a false return of the
47 business done by him, shall, for each offense, forfeit and pay to
48 the treasurer of any duly incorporated firemen's relief
49 association that may be injured by his failure, neglect or refusal,

1 or by the making of the false returns, the sum of \$500.00.

2 (cf: P.L.1955, c.204, s.4)

3 ¹[509.] ²[512.1] ³510.2 R.S.54:34-1 is amended to read as
4 follows:

5 54:34-1. Except as provided in section 54:34-4 of this Title, a
6 tax shall be and is hereby imposed at the rates set forth in
7 section 54:34-2 of this Title upon the transfer of property, real or
8 personal, of the value of \$500.00 or over, or of any interest
9 therein or income therefrom, in trust or otherwise, to or for the
10 use of any transferee, distributee or beneficiary in the following
11 cases:

12 a. Where real or tangible personal property situated in this
13 State or intangible personal property wherever situated is
14 transferred by will or by the intestate laws of this State from a
15 resident of this State dying seized or possessed thereof.

16 b. Where real or tangible personal property within this State of
17 a decedent not a resident of this State at the time of his death is
18 transferred by will or intestate law.

19 c. Where real or tangible personal property within this State of
20 a resident of this State or intangible personal property wherever
21 situate of a resident of this State or real or tangible personal
22 property within this State of a nonresident, is transferred by
23 deed, grant, bargain, sale or gift made in contemplation of the
24 death of the grantor, vendor or donor, or intended to take effect
25 in possession or enjoyment at or after such death.

26 A transfer by deed, grant, bargain, sale or gift made without
27 adequate valuable consideration and within 3 years prior to the
28 death of the grantor, vendor or donor of a material part of his
29 estate or in the nature of a final disposition or distribution
30 thereof, shall, in the absence of proof to the contrary, be
31 deemed to have been made in contemplation of death within the
32 meaning of paragraph "c" of this section; but no such transfer
33 made prior to such 3-year period shall be deemed or held to have
34 been made in contemplation of death.

35 d. Where by transfer of a resident decedent of real or tangible
36 personal property within this State or intangible property
37 wherever situate, or by transfer of a nonresident decedent of
38 real or tangible personal property within this State, a transferee,
39 distributee or beneficiary comes into the possession or
40 enjoyment therein of:

41 (1) An estate in expectancy of any kind or character which is
42 contingent or defeasible, transferred by an instrument taking
43 effect on or after July 4, 1909; or

44 (2) Property transferred pursuant to a power of appointment
45 contained in an instrument taking effect on or after July 4, 1909.

46 e. When a decedent appoints or names one or more executors or
47 trustees and bequeaths or devises property to him or them in lieu
48 of commissions or allowances, the transfer of which property
49 would otherwise be taxable, or appoints him or them his residuary

1 legatee or legatees, and the bequest, devise or residuary legacy
2 exceeds what would be reasonable compensation for his or their
3 services, such excess shall be deemed a transfer liable to tax.
4 The Superior Court [or County Court,] having jurisdiction in the
5 case, shall determine what is a reasonable compensation.

6 f. The right of the surviving joint tenant or joint tenants,
7 person or persons, to the immediate ownership or possession and
8 enjoyment of real or personal property held in the joint names of
9 two or more persons, or deposited in banks or other institutions or
10 depositories in the joint names of two or more persons and
11 payable to either or the survivor, excluding, however, the right
12 of a spouse, as a surviving joint tenant with his or her deceased
13 spouse, to the immediate ownership or possession and enjoyment
14 of a membership certificate or stock in a cooperative housing
15 corporation, the ownership of which entitles such member or
16 stockholder to occupy real estate for dwelling purposes as the
17 principal residence of the decedent and spouse, shall upon the
18 death of one of such persons, be deemed a transfer taxable in the
19 same manner as though such property had belonged absolutely to
20 the deceased joint tenant or joint depositor and had been devised
21 or bequeathed by his will to the surviving joint tenant or joint
22 tenants, person or persons, excepting therefrom such part of the
23 property as such survivor or survivors may prove to the
24 satisfaction of the Director of the Division of Taxation to have
25 originally belonged to him or them and never to have belonged to
26 the decedent.

27 In the case of a nonresident decedent, paragraph "f" of this
28 section shall apply only to real or tangible personal property
29 within this State.

30 (cf: P.L.1979, c.413, s.1)

31 ¹[510.] ²[513.] ¹511. ² Section 1 of P.L.1939, c.122 (C.54:35-23)
32 is amended to read as follows:

33 1. ~~Before the Director of the Division of Taxation shall issue~~
34 ~~any consents to transfer assets of a person dying domiciled in the~~
35 ~~State of New Jersey, he shall require that proof be submitted to~~
36 ~~him that the will of such decedent was originally probated in New~~
37 ~~Jersey, or that letters of administration upon the estate of such~~
38 ~~decedent were originally granted in New Jersey; and if it shall~~
39 ~~appear that original probate or that original administration was~~
40 ~~had in a foreign jurisdiction, the director shall withhold issuance~~
41 ~~of all consents to transfer the decedent's assets, and shall make~~
42 ~~report thereof to the [County Court of the county in which the~~
43 ~~decedent died domiciled, or to the] Superior Court, and shall~~
44 ~~await the further order of the court. This act shall not apply in~~
45 ~~cases where it shall appear to the director that neither the~~
46 ~~probate of a decedent's will nor the grant of letters of~~
47 ~~administration shall be required by the laws of this State~~
48 ~~respecting administration of estates. Notwithstanding the~~
49 ~~provisions of this act, the director may, in his discretion, issue~~

1 the plaintiff, the court shall cause any defendant who may refuse
2 or fail to pay forthwith the amount of the judgment rendered
3 against him and all costs and charges incident thereto to be
4 committed to the county jail for a period not exceeding 30 days.

5 If a defendant who is committed to jail in default of payment
6 of the penalty shall serve the full period for which he shall be
7 committed, upon his release from jail he shall be entitled to have
8 the judgment satisfied of record, and the certificate of the
9 warden of said jail that the said defendant has been detained for
10 the period specified in the commitment which the judgment for
11 the penalty and costs is docketed to discharge the same of
12 record.

13 (cf: P.L.1959, c.191, s.18)

14 ¹[514.] ²[517.1] ^{515.2} Section 601 of P.L.1948, c.65
15 (C.54:40A-24) is amended to read as follows:

16 601. a. Penalties. Any person who shall engage in any business
17 or activity for which a license is required under the provisions of
18 this act, without first having obtained a license to do so, or who,
19 having had such a license, shall continue to engage in or conduct
20 such business after any such license shall have been revoked, or
21 during a suspension thereof, shall be liable to a penalty of not
22 more than \$250.00, which penalty shall be sued for, and shall be
23 recoverable in the name of the director; and each day that any
24 such business is so engaged in or conducted shall be deemed a
25 separate offense.

26 b. Jurisdiction of court; proceedings. [Every county district
27 court, criminal judicial district court,] The Superior Court and
28 every municipal court[, and every County Court] within their
29 respective jurisdictions, and with respect to offenses occurring
30 within the territorial jurisdiction of the court, shall have
31 jurisdiction over proceedings to enforce and collect the penalty.
32 The proceedings shall be brought by and in the name of the
33 director. They shall be summary and in accordance with the
34 Penalty Enforcement Law (N.J.S.2A:58-1 et seq.). Process shall
35 be either in the nature of a summons or warrant.

36 If judgment be rendered for the plaintiff, the court shall cause
37 any defendant who refuses or fails to pay forthwith the amount of
38 the judgment rendered against him and all the costs and charges
39 incident thereto, to be committed to the county jail for such
40 period as the court shall determine, not exceeding 30 days.

41 c. Penalty for further violations; recovery; proceedings in
42 court. In case a person shall, after conviction of any violation of
43 this act, be again convicted of violating the same provision
44 thereof, he may be liable to a penalty for such further violation,
45 in double the maximum penalty which might have been imposed
46 on the first conviction, to be sued for and recovered in the
47 manner above set forth. In case any defendant against whom
48 judgment has been rendered for a money penalty under this
49 subsection, shall fail or neglect to pay forthwith the amount of

1 said penalty, the court shall commit him to jail for such number
2 of days not exceeding 90 days, as the court shall determine.

3 d. Disposition of penalties. All penalties recovered for
4 violations of this act shall be paid to the director and by him
5 accounted for and paid to the State Treasurer as in the case of
6 State taxes.

7 e. Costs; expenses. The costs recoverable in any such
8 proceeding shall be recovered by the director in the event of
9 judgment in his favor. If the judgment be for the defendant it
10 shall be without costs against the director. All expenses incident
11 to the recovery of any penalty pursuant to the provisions of this
12 section shall be paid for as any other expense incident to the
13 administration of this act.

14 (cf: P.L.1954, c.225, s.3)

15 ¹[515.] ²[518.1] 516.² Section 609 of P.L.1948, c.65
16 (C.54:40A-32) is amended to read as follows:

17 609. Records; possession and transportation of unstamped
18 cigarettes; seizure and confiscation of vessel or vehicles. Every
19 person who shall transport cigarettes not stamped as required by
20 this act upon the public highways, waterways, roads or streets of
21 this State shall have in his actual possession invoices or delivery
22 tickets for such cigarettes which shall show the true name and
23 complete and exact address of the consignor or seller, the true
24 name and complete and exact address of the consignee or
25 purchaser, the quantity and brands of the cigarettes transported
26 and in addition shall show separately the true name and complete
27 and exact address of the person who has or shall assume the
28 payment of the New Jersey State tax or the tax, if any, of the
29 State or foreign country at the point of ultimate destination,
30 provided that any common carrier which has issued a bill of
31 lading for a shipment of cigarettes and is without notice to itself
32 or to any of its agents or employees that said cigarettes are not
33 stamped as required by this act shall be deemed to have
34 complied with this act and the vehicle or vessel in which said
35 cigarettes are being transported shall not be subject to
36 confiscation hereunder. In the absence of such invoices, delivery
37 tickets or bills of lading, as the case may be, the cigarettes so
38 transported, the vehicle, or vessel in which the cigarettes are
39 being transported and any paraphernalia or devices used in
40 connection with the unstamped cigarettes, are declared to be
41 contraband goods and may be seized by the director, his agents or
42 employees or by any peace officer of the State when directed by
43 the director, his agents or employees so to do, without a
44 warrant. The director shall immediately thereafter institute a
45 proceeding for the confiscation thereof in the [County Court,
46 county district court] Superior Court or the municipal court
47 within the jurisdiction of which the seizure is made. The owner
48 or any person having a security interest in any such vehicle may
49 secure release of the same by depositing with the clerk of the

1 court, in which such proceeding is pending; a bond with good and
2 sufficient sureties in an amount to be fixed by the court,
3 conditioned upon the return of said vehicle to the director upon
4 demand after completion of said proceeding. The court may
5 proceed in a summary manner and may direct confiscation to the
6 director; provided, however, anything to the contrary
7 notwithstanding, that the owner or any person claiming to be the
8 holder of a mortgage, conditional sales contract or other security
9 interest in any vehicle or vessel, the disposition of which is
10 provided for above, may present his petition so alleging and be
11 heard, and in the event it appears to the court that the property
12 was unlawfully used by a person other than the owner or such
13 claimant, and if such owner or claimant acquired ownership or
14 his security interest in good faith and without knowledge that
15 the vehicle or vessel was going to be so used, the court shall
16 either waive forfeiture in favor of such owner or claimant and
17 order the vehicle or vessel returned or delivered to such owner or
18 claimant, or if it is found that the value thereof exceeds the
19 amount of the claim, the court shall order payment of the amount
20 of the claim out of the proceeds of the sale. Every transporter
21 who violates the provisions of this act is a disorderly person, and
22 shall, in addition to such penalties as attached thereto, be liable
23 to a penalty equal to the amount of tax due on any unstamped
24 cigarettes transported by him, which penalty shall be sued for
25 and recovered in the same manner as provided for the penalties
26 imposed by section 601 of the act to which this act is
27 amendatory (C.54:40A-24).

28 (cf: P.L.1981, c.361, s.1)

29 ¹[516.] ²[519.1] 517.² R.S.54:44-3 is amended to read as
30 follows:

31 54:44-3. An an additional or alternative remedy, the director
32 may issue a certificate to the Clerk of the Superior Court [or to
33 the clerk of the Law Division of the County Court of any
34 county.] that any person is indebted under this subtitle in an
35 amount named in the certificate and thereupon the clerk to whom
36 the certificate shall have been issued shall immediately enter
37 upon his record of docketed judgments the name of such person as
38 defendant, and of the State as plaintiff, the amount of the debt
39 so certified, a short name of the tax, and the date of making the
40 entries. The making of the entries shall have the same force and
41 effect as the entry of a docketed judgment in the office of such
42 clerk, and the director shall have all of the remedies and may
43 take all of the proceedings for the collection thereof which may
44 be had or taken upon the recovery of a judgment in an action but
45 without prejudice to the taxpayer's right of appeal. Every person
46 who shall be licensed to manufacture, distribute, transport, store,
47 warehouse, import, offer for sale or sell alcoholic beverages, or
48 to sell warehouse receipts, receipts, certificates, contracts or
49 other documents given upon the storage of alcoholic beverages,

1 under any law of this State shall, by the acceptance of such
2 license, be deemed to have consented to the procedure set forth
3 in this section.

4 (cf: P.L.1953, c.51, s.163)

5 ¹[517.] ²[520.1] 518.² R.S.54:49-12 is amended to read as
6 follows:

7 54:49-12. As an additional remedy, the Director of the Division
8 of Taxation may issue a certificate to the Clerk of the Superior
9 Court [or to the clerk of the Law Division of the County Court of
10 any county,] that any person is indebted under such State tax law
11 in such an amount as shall be stated in the certificate. The
12 certificate shall contain a short name of the tax under which the
13 said indebtedness arises. Thereupon the clerk to whom such
14 certificate shall have been issued shall immediately enter upon
15 his record of docketed judgments the name of such person, and of
16 the State, the address of the place of business where such tax
17 liability was incurred, if shown in the certificate, the amount of
18 the debt so certified, a short name of the tax, and the date of
19 making such entries. The making of the entries shall have the
20 same force and effect as the entry of a docketed judgment in the
21 office of such clerk, and the director shall have all the remedies
22 and may take all of the proceedings for the collection thereof
23 which may be had or taken upon the recovery of a judgment in an
24 action, but without prejudice to the taxpayer's right of appeal.

25 (cf: P.L.1953, c.51, s.165)

26 ¹[518.] ²[521.1] 519.² Section 1 of P.L.1943, c.10
27 (C.54:49-13.1) is amended to read as follows:

28 1. Whenever in respect to any taxpaying corporation, the Clerk
29 of the Superior Court or of any former court [Supreme Court or a
30 clerk of the County Court or court of common pleas of any
31 county] has or shall have entered upon his record of judgments
32 the entries against such corporation required in and by section
33 54:49-12 of the Revised Statutes; and, whenever, acting pursuant
34 to section 54:11-2 of the Revised Statutes, the Governor issues
35 his proclamation, declaring the charter of such corporation is
36 repealed, and the powers conferred upon them inoperative and
37 void for failure to satisfy, in whole or in part, the tax and
38 interest thereon, evidenced by the aforesaid judgment; and
39 whenever, thereafter, such corporation pays to the Secretary of
40 State a sum received by him, in whole or in part, in lieu of the
41 tax and interest thereon evidenced by the aforesaid judgment,
42 and, the Governor, by and with the advice of the
43 Attorney-General, permits such corporation to be reinstated to
44 all its franchises and privileges, and the Secretary of State has
45 issued his certificate, entitling such corporation to continue its
46 business and franchises, all pursuant to section 54:11-5 of the
47 Revised Statutes, the Attorney-General, either personally or
48 through the agency of a legal assistant acting in his name, may
49 affix his signature and official title on the margin of the record

1 of such judgment in any such clerk's office and enter above said
2 signature words and figures of the tenor following: "On (Date)
3 the judgment-debtor herein was reinstated pursuant to
4 R.S.54:11-5." Such signing and making of the entry shall operate
5 as a satisfaction of such judgment.

6 (cf: P.L.1953, c.51, s.166)

7 ¹[519.] ²[522.1] 520.2 R.S.56:3-23 is amended to read as
8 follows:

9 56:3-23. [Every county district court] The Superior Court and
10 any municipal court shall have jurisdiction of proceedings for the
11 collection and enforcement of a penalty imposed because of the
12 violation, within the territorial jurisdiction of the court, of any
13 provision of this article. The proceedings shall be summary and
14 in accordance with the Penalty Enforcement Law (N.J.S.2A:58-1
15 et seq.). Process shall be either in the nature of a summons or
16 warrant and shall issue in the name of the State, upon the
17 complaint of any person.

18 (cf: P.L.1953, c.53, s.4)

19 ¹[520.] ²[523.1] 521.2 R.S.56:3-25 is amended to read as
20 follows:

21 56:3-25. Whenever any person makes oath before [any county
22 district court] the Superior Court or any municipal court that he
23 has reason to believe and does believe that any bottle, container
24 or receptacle mentioned in section 56:3-15 of this Title, the
25 property of any person or corporation who or which has complied
26 with the provisions of sections 56:3-16 and 56:3-17 of this Title,
27 are being filled, sold, bought, given, taken, possessed, used,
28 disposed of or trafficked in by any person or corporation in
29 violation of this article, the court shall issue a search warrant to
30 discover and obtain such bottles, containers or receptacles, and
31 to bring before the court the person in whose possession bottles,
32 containers or receptacles may be found. If any such bottles,
33 containers or receptacles are found in the possession of any such
34 person in violation of the provisions of this article, the court
35 issuing the search warrant shall proceed summarily in a criminal
36 proceeding to trial and judgment, and, upon a conviction and
37 judgment, shall also award possession of the bottles, containers or
38 receptacles taken under the search warrant to the owners or
39 proprietors thereof.

40 (cf: P.L.1953, c.53, s.6)

41 ¹[521.] ²[524.1] 522.2 R.S.56:3-41 is amended to read as
42 follows:

43 56:3-41. Any person violating any of the provisions of this
44 article shall, for the first offense, be liable to a penalty of not
45 less than fifty dollars (\$50.00) nor more than one hundred dollars
46 (\$100.00), and for each subsequent offense to a penalty of two
47 hundred dollars (\$200.00), recoverable in a civil action before
48 [any county district court] the Superior Court or municipal [court,
49 which] courts, within their respective territorial jurisdictions,

1 shall have jurisdiction to hear and determine actions brought
2 under this article. An action for the recovery of a penalty under
3 this article may be instituted by any person aggrieved or
4 damaged by a violation of this article. The penalty, when
5 recovered in [a county district court] the Superior Court shall be
6 paid to the treasurer of the county, and, when recovered in a
7 municipal court, shall be paid to the treasurer of the
8 municipality.

9 (cf: P.L.1953, c.53, s.9)

10 ¹[522.] ²[525.1] 523.² R.S.56:3-47 is amended to read as
11 follows:

12 56:3-47. If any owner, dealer or shipper, or his agent, has
13 reason to believe, and does believe, that any can or cans of the
14 kind mentioned in section 56:3-42 of this Title, stamped or
15 marked as provided in said section 56:3-42, is or are being used,
16 or has or have been unlawfully used as aforesaid, by any person,
17 or that any person has any such can or cans secreted in or upon
18 his premises, or any other place, any such owner, dealer or
19 shipper, or his agent, may go before [any county district court]
20 the Superior Court or the 287municipal court in the [county or]
21 municipality wherein such offenses may be or have been
22 committed, and make complaint thereof under oath, which
23 complaint may be wholly upon information and belief. Whereupon
24 the court shall issue a process in the nature of a search warrant,
25 directed to any constable, marshal or an executive officer of any
26 municipality, which shall recite the complaint, or the substance
27 thereof, and shall command such constable, marshal or executive
28 officer to search immediately the premises, place or places
29 mentioned in the complaint, and, if any milk or cream cans be
30 found, to bring the same, together with the body of the person in
31 whose possession they may be found, before the court which shall
32 summarily inquire into the ownership of such can or cans, and,
33 upon being satisfied that the same belong to such owner, dealer
34 or shipper, or that his agent is entitled to the possession thereof,
35 he shall deliver such can or cans to such owner, dealer or
36 shipper, or his agent, who shall have the costs of the proceedings
37 from the person so illegally having such can or cans in his or their
38 possession. If the person illegally having such can or cans in his
39 possession shall refuse to pay the costs, the court shall commit
40 such person to the county jail of the county wherein he shall be
41 arrested until such costs are paid.

42 (cf: P.L.1953, c.53, s.10)

43 ¹[523.] ²[526.1] 524.² Section 401 of P.L.1938, c.163 (C.56:6-4)
44 is amended to read as follows:

45 401. Procedure for collection of penalties

46 The following procedure shall be followed in actions for the
47 enforcement of penalties set forth in Article III of this act:

48 Proceedings; complaint; process; summary hearing; judgment;
49 payment of judgment and costs

1 (a) The said penalty shall be sued for in the name of the State
2 ~~Tax Commissioner.~~ [Every district court, police justice,
3 recorder, justice of the peace or other police magistrate] The
4 Superior Court and every municipal court is hereby authorized,
5 upon the filing of a complaint in writing, duly verified by the
6 State Tax Commissioner, or by any assistant or employee of the
7 State Tax Commissioner, which may be made upon information or
8 belief, that any retail dealer has violated any of the provisions of
9 Article II of this act, to issue process at the suit of the State Tax
10 Commissioner as plaintiff. Such process shall be either in the
11 nature of a summons or warrant, which may issue without any
12 order of the court or judge first being obtained against the person
13 or persons so charged. When such process shall be in the nature of
14 a warrant, it shall be returnable forthwith, and when in the
15 nature of a summons, it shall be returnable in not less than five
16 nor more than ten days. Such process shall specify the section of
17 the act which is alleged to have been violated by the defendant or
18 defendants, and upon the return of such process or at any time to
19 which the trial shall be adjourned, the said court shall proceed
20 and summarily hear the testimony and, without the filing of any
21 pleadings, determine the matter and give judgment, without a
22 jury, either for the plaintiff for the recovery of such penalty with
23 costs or for the defendant. If judgment shall be rendered for the
24 plaintiff, the court shall cause any defendant who may refuse or
25 fail to pay forthwith the amount of the judgment rendered
26 against him and all costs and charges incident thereto to be
27 committed to the county jail for any period not exceeding the
28 period mentioned in Article III hereof.

29 Officers to execute process; adjournment of hearing or trial;
30 appearance bond

31 (b) The officers to serve and execute all process under this act
32 ~~shall be officers authorized to serve all process~~ out of said court.
33 [Said district court, police justice, recorder, justice of the peace
34 or other police magistrate] The court shall have the power to
35 adjourn the hearing or trial in any case from time to time, but in
36 such case, except in case where the first process was a summons,
37 it shall be the duty [of the judge of the district court, police
38 justice, recorder, justice of the peace or other police magistrate]
39 to detain the defendant in safe custody unless he shall enter into
40 a bond to the State Tax Commissioner with at least one sufficient
41 surety, in a sum fixed by the court which shall be not less than
42 fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00),
43 conditioned for his appearance on the day to which the hearing
44 shall be adjourned and thence from day to day until the case is
45 disposed of, and then to abide by the judgment of the said court,
46 and such bond if forfeited may be prosecuted by said State Tax
47 Commissioner.

48 (c) The form of conviction in prosecutions under this article
49 shall be in the following or similar form:

1 "State of New Jersey,)

2)SS. County of)

3 Be it remembered, that on this day of, at
 4, in said County,X, the
 5 defendant, was by (name of court) convicted of violating Section
 6 of Article II of an act entitled 'An act to regulate
 7 the retail sale of motor fuels, and providing penalties for
 8 violations' (date of approval of act) in a summary proceeding at
 9 the suit of the State Tax Commissioner, upon a complaint by ;
 10 and, further, that the witnesses in said proceeding who testified
 11 for the plaintiff were (name them), and the witnesses who
 12 testified for the defendant were (name them).

13 Wherefore, the said court does hereby give judgment that the
 14 plaintiff recover of the defendant dollars
 15 penalty and dollars costs of this
 16 proceeding."

17 The conviction shall be signed by the [Judge of the District
 18 Court, police justice, recorder, justice of the peace or other
 19 police magistrate] judge before whom the conviction is had. In
 20 case the defendant is committed to jail in default of payment of
 21 the penalty, commitment in the following form shall be added
 22 beneath the judge's signature to the conviction:

23 "And the said X, neglecting and refusing to pay the amount of
 24 the penalty above mentioned, with costs, it is hereby ordered that
 25 the said X be and he is hereby committed to the common jail in
 26 the county of for a period of
 27 days, unless the said penalty and costs are sooner paid." Such
 28 commitment shall also be signed by the judge and, in case of
 29 commitment of any defendant to jail, the conviction and the
 30 commitment shall be signed in duplicate, and one of the duplicate
 31 copies shall serve the purpose of a warrant of commitment. If a
 32 defendant who is committed to jail in default of payment of the
 33 penalty shall serve the full period for which he shall be
 34 committed, upon his release from jail he shall be entitled to have
 35 the judgment satisfied of record, and the certificate of the
 36 warden of said jail that the said defendant has been detained for
 37 the period specified in the commitment shall be sufficient warrant
 38 for the clerk of any court in which the judgment for the penalty
 39 and costs is docketed to discharge the same of record.

40 ~~(d) The clerk of any district court or the clerk of any~~
 41 ~~recorder's or police court may sign and seal any process required~~
 42 ~~to issue under this act, except a warrant of commitment. The~~
 43 ~~costs recoverable in any such proceeding shall be the same as~~
 44 ~~costs taxed in actions in said court and shall be recoverable by~~
 45 ~~said State Tax Commissioner in the event of the conviction of the~~
 46 ~~defendant. Any judgment recovered for a penalty under the~~
 47 ~~provisions of this act in any district court may be docketed as~~
 48 ~~other judgments recovered in said court are docketed. Execution~~
 49 ~~may issue for the collection of any judgment obtained under this~~

1 act against the goods and chattels and body of the defendant
2 without any order first obtained for such purpose.

3 Injunction

4 (e) The State Tax Commissioner may file a bill in the Superior
5 Court [of Chancery] for an injunction to prohibit any habitual
6 violation of this act, or any of the orders, rules, or regulations
7 made by the commissioner, and every such action shall proceed in
8 the Superior Court [of Chancery] according to the rules and
9 practice of that court, and cases of emergency shall have
10 precedence over other litigation pending at the time in the
11 Superior Court [of Chancery], and final hearing may be had within
12 such time and on such notice as the [Chancellor] court shall
13 direct.

14 (cf: P.L.1938, c.163, s.401)

15 ¹[524.] ²[527.1] 525.² Section 6 of P.L.1981, c.230 (C.56:6-4.1)
16 is amended to read as follows:

17 6. a. The State Superintendent of Weights and Measures or any
18 State, county, or municipal weights and measures officer may
19 also recover penalties for violations of P.L.1938, c. 163
20 (C.56:6-1 et seq.). The action shall be within the jurisdiction of
21 and may be brought before [any] the Superior Court [county
22 district court,] or any municipal court in the county or
23 municipality where the offense was committed, or where the
24 defendant may reside, or where the defendant may be
25 apprehended, which court is hereinafter referred to as the court,
26 upon the filing of a complaint by a weights and measures officer,
27 in a civil penalty action pursuant to "the penalty enforcement
28 law" (N.J.S.2A:58-1 et seq.).

29 b. The State Superintendent or any weights and measures
30 official shall be authorized to serve all process out of said court.

31 c. Any judgment recovered for a penalty under the provisions
32 of P.L.1938, c.163 (C.56:6-1 et seq.), in any municipal court or
33 [any county district court] may be docketed with the Superior
34 Court. Execution may issue in a manner similar to that for other
35 Superior Court judgments.

36 d. Any habitual violations of provisions of P.L.1938, c. 163
37 (C.56:6-1 et seq.), or of any orders or rules or regulations made
38 pursuant to said statutes may be restrained by the Superior Court
39 in an action brought for such purpose by the Attorney General on
40 behalf of the State Superintendent of Weights and Measures.

41 e. Penalties, when imposed or recovered in an action brought
42 by a State weights and measures officer, shall be payable to the
43 State Treasurer. When such action is brought by a county or
44 municipal weights and measures officer, the penalty moneys shall
45 be paid to the respective county or municipal treasury, as the
46 case may be.

47 (cf: P.L.1981, c.230, s.6)

48 ¹[525.] ²[528.1] 526.² Section 2 of P.L.1966, c.39 (C.56:8-14) is
49 amended to read as follows:

1 2. [Every county district court] The Superior Court and every
2 municipal court shall have jurisdiction of proceedings for the
3 collection and enforcement of a penalty imposed because of the
4 violation, within the territorial jurisdiction of the court, of any
5 provision of the act to which this act is a supplement. Except as
6 otherwise provided in this act the penalty shall be collected and
7 enforced in a summary proceeding pursuant to the Penalty
8 Enforcement Law (N.J.S.2A:58-1, et seq.). Process shall be either
9 in the nature of a summons or warrant and shall issue in the name
10 of the State, upon the complaint of the Attorney General or any
11 other person.

12 In any action brought pursuant to this section to enforce any
13 order of the Attorney General or his designee the court may,
14 without regard to jurisdictional limitations, restore to any person
15 in interest any moneys or property, real or personal, which have
16 been acquired by any means declared to be unlawful under this
17 act.

18 In the event that any person found to have violated any
19 provision of this act fails to pay a civil penalty assessed by the
20 court, the court may issue, upon application by the Attorney
21 General, a warrant for the arrest of such person for the purpose
22 of bringing him before the court to satisfy the civil penalty
23 imposed.

24 (cf: P.L.1971, c.247, s.10)

25 ¹[526.] ²[529.1] 527.² Section 16 of P.L.1981, c.262
26 (C.58:1A-16) is amended to read as follows:

27 16. If any person violates any of the provisions of this act or
28 any rule, regulation or order adopted or issued pursuant to the
29 provisions of this act, the department may institute a civil action
30 in a court of competent jurisdiction for injunctive relief to
31 enforce said provisions and to prohibit and prevent that violation
32 and the court may proceed in the action in a summary manner.
33 Any person who violates the provisions of this act or any rule,
34 regulation or order adopted or issued pursuant to this act shall be
35 liable to a civil administrative penalty of not more than \$5,000.00
36 for each offense to be imposed by the department pursuant to
37 standards adopted in regulations; or a civil penalty of not more
38 than \$5,000.00 for each offense, to be collected in a civil action
39 by a summary proceeding under "the penalty enforcement law"
40 (N.J.S.2A:58-1 et seq.) or in any case before a court of
41 competent jurisdiction wherein injunctive relief has been
42 requested. The Superior Court [and county district court] shall
43 have jurisdiction to enforce the penalty enforcement law. If the
44 violation is of a continuing nature, each day during which it
45 continues shall constitute an additional, separate and distinct
46 offense. The department is authorized to compromise and settle
47 any claim for a penalty under this section in such amount in the
48 discretion of the department as may appear appropriate and
49 equitable under all of the circumstances.

50 (cf: P.L.1981, c.262, s.16)

1 ¹[527.] ²[530.1] ^{528.2} Section 6 of P.L.1971, c.177
2 (C.58:10-23.30) is amended to read as follows:

3 6. If any person violates any of the provisions of this act, or
4 any rule or regulation promulgated pursuant to the provisions of
5 this act, the department may institute an action in a court of
6 competent jurisdiction for injunctive relief to prohibit and
7 prevent such violation or violations and the said court may
8 proceed in the action in a summary manner. Any person who
9 violates any of the provisions of this act, or any rule or regulation
10 promulgated pursuant to this act shall be liable to a penalty of
11 not more than \$3,000.00 for each offense to be collected in a
12 summary proceeding under the Penalty Enforcement Law
13 (N.J.S.2A:58-1 et seq.), and in any case before a court of
14 competent jurisdiction wherein injunctive relief has been
15 requested. The Superior Court [, County Court and county
16 district court] shall have jurisdiction to enforce said Penalty
17 Enforcement Law. If the violation is of a continuing nature, each
18 day during which it continues shall constitute an additional,
19 separate and distinct offense. The department is hereby
20 authorized and empowered to compromise and settle any claim
21 for a penalty under this section in such amount in the discretion
22 of the department as may appear appropriate and equitable under
23 all of the circumstances.

24 (cf: P.L.1971, c.177, s.6)

25 ¹[528.] ²[531.1] ^{529.2} Section 9 of P.L.1942, c.308
26 (C.58:11-9.9) is amended to read as follows:

27 9. Any penalty incurred under any of the provisions of section
28 eight of this act shall be recovered in a civil action in the name
29 of the State department, a local board of health, or the owner of
30 the supply specified in said section eight. Such action may be
31 maintained in [any county district court] the Superior Court or
32 any municipal court, and jurisdiction is conferred upon said
33 courts, within their respective territorial jurisdictions, to hear
34 and determine such actions.

35 (cf: P.L.1953, c.54, s.21)

36 ¹[529.] ²[532.1] ^{530.2} Section 8 of P.L.1983, c.230 (C.58:11-71)
37 is amended to read as follows:

38 8. a. If any person violates any of the provisions of this act, or
39 any operating requirements, the department may institute a civil
40 action in a court of competent jurisdiction for injunctive relief to
41 enforce said provisions and to prohibit and prevent that violation
42 and the court may proceed in the action in a summary manner.

43 b. Any person who violates or causes the violation of any of the
44 provisions of this act or any operating requirements shall be
45 liable to a civil administrative penalty of not more than \$5,000.00
46 for each offense to be imposed by the department pursuant to
47 standards adopted in regulations, or a civil penalty of not more
48 than \$5,000.00 for each offense. If the violation is of a
49 continuing nature, each day during which it continues shall

1 constitute an additional, separate and distinct offense.

2 c. The department may recover in any civil action the State's
3 reasonable costs of preparing and litigating the civil action
4 pursuant to this act.

5 d. Any and all penalties prescribed by any provisions of this act
6 may be recovered in a civil action by a summary proceeding
7 under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).
8 The Superior Court [and county district court] shall have
9 jurisdiction to enforce the penalty enforcement law.

10 e. The department is authorized and empowered to compromise
11 and settle any penalty imposed under this section in such amount
12 in the discretion of the department as may appear appropriate
13 and equitable under all of the circumstances.

14 f. All penalties received pursuant to the provisions of this act
15 shall be paid into the "Environmental Services Fund" created by
16 P.L.1975, c. 232 (C. 13:1D-29 et seq.), and expended for the
17 functions authorized herein.

18 (cf: P.L.1983, c.230, s.8)

19 ¹[530.] ²[533.] ¹ 531.² Section 10 of P.L.1977, c.224 , ²[s.10]²
20 (C.58:12A-10) is amended to read as follows:

21 --10. a. If any person violates any of the provisions of this act or
22 any rule, regulation or order promulgated or issued pursuant to
23 the provisions of this act, the department may institute a civil
24 action in a court of competent jurisdiction for injunctive or any
25 other appropriate relief to prohibit and prevent such violation or
26 violations, and the said court may proceed in the action in a
27 summary manner.

28 b. Any person who violates the provisions of this act or any
29 rule, regulation or order promulgated pursuant to this act shall be
30 liable to a civil administrative penalty of not more than \$5,000.00
31 for the first offense, not less than \$5,000.00 nor more than
32 \$10,000.00 for the second offense, and up to \$25,000.00 for the
33 third and each subsequent offense, to be collected in a civil
34 action by a summary proceeding under "the penalty enforcement
35 law" (N.J.S.2A:58-1 et seq.), or in any case before a court of
36 competent jurisdiction wherein injunctive relief had been
37 requested. If the violation is of a continuing nature, each day
38 during which it continues subsequent to receipt of an order to
39 cease the violation shall constitute an additional, separate and
40 distinct offense. No civil administrative penalty shall be levied,
41 except subsequent to the notification of the violator by certified
42 mail or personal service. The notice shall include a reference to
43 the section of the statute, regulation, order or permit condition
44 violated; a concise statement of the facts alleged to constitute
45 the violation; a statement of the amount of the civil penalties to
46 be imposed; and a statement of the violator's right to a hearing.
47 The violator shall have 20 days from receipt of the notice within
48 which to deliver to the commissioner a written request for a
49 hearing. Subsequent to the hearing and upon a finding that a

1 violation has occurred, the commissioner may issue a final order
2 after assessing the amount of the fine specified in the notice. If
3 no hearing is requested, the notice shall become a final order
4 upon the expiration of the 20 day period. Payment of the
5 penalty is due when a final order is issued or when the notice
6 becomes a final order. The authority to levy a civil
7 administrative penalty is in addition to all other enforcement
8 provisions in this act, and the payment of a civil administrative
9 penalty shall not be deemed to affect the availability of any
10 other enforcement provision in connection with the violation for
11 which the penalty is levied.

12 c. The department is hereby authorized and empowered to
13 compromise and settle any claim for a penalty under this section
14 in such amount in the discretion of the department as may appear
15 appropriate and equitable under all of the circumstances,
16 including the posting of a performance bond by the violator.

17 d. Any person who violates this act, or an administrative order
18 issued pursuant to subsection b. of this section, or a court order
19 issued pursuant to subsection a. of this section, or who fails to
20 pay a civil administrative penalty in full pursuant to subsection b.
21 of this section shall be subject, upon order of the court, to a civil
22 penalty not to exceed \$10,000.00 per day of the violation, and
23 each day's continuance of the violation shall constitute a
24 separate and distinct violation. Any penalty imposed under this
25 subsection may be recovered with costs in a summary proceeding
26 pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et
27 seq.). The Superior Court [and county district court] shall have
28 jurisdiction to enforce "the penalty enforcement law."

29 (cf. P.L.1983, c.433, s.17)

30 ¹[531.] ²[534.1] ³532.² Section 12 of P.L.1972, c.185
31 (C.58:16A-63) is amended to read as follows:

32 12. (a) Any person who knowingly violates a provision of this
33 act or a rule, regulation or order adopted pursuant to this act
34 shall be subject to a penalty of not more than \$2,500.00 for each
35 offense and any person who otherwise violates a provision of this
36 act shall be subject to a penalty of not more than \$1,500.00 for
37 each offense both, to be collected by the department in a
38 summary proceeding under the Penalty Enforcement Law
39 (N.J.S.2A:58-1 et seq.), and in any court of competent
40 jurisdiction wherein injunctive relief has been requested. The
41 Superior Court [and county district court] shall have jurisdiction
42 to enforce said Penalty Enforcement Law. If the violation is of a
43 continuing nature each day which it continues shall constitute an
44 additional, separate and distinct offense. The department is
45 hereby authorized and empowered to compromise and settle any
46 claim for a penalty under this section in such amount in the
47 discretion of the department as may appear appropriate and
48 equitable under all of the circumstances. All moneys recovered
49 in any such action, together with the costs recovered therein,

1 shall be paid to the Environmental Services Fund.

2 (b) If any person violates any of the provisions of this act or
3 any rule or regulation promulgated pursuant to the provisions of
4 this act, the department may institute an action in a court of
5 competent jurisdiction for injunctive relief to prohibit and
6 prevent such violation or violations and the said court may
7 proceed in the action in a summary manner.

8 (cf: P.L.1979, 359, s.7)

9 ¹[532.] ²[535.¹] 533.² The following are repealed:

10 New Jersey Statutes sections:

11 N.J.S.2A:8-11;

12 N.J.S.2A:16-10;

13 N.J.S.2A:16-14;

14 N.J.S.2A:16-21 to N.J.S.2A:16-27 both inclusive;

15 ~~N.J.S.2A:16-30;~~

16 ~~N.J.S.2A:16-34 and N.J.S.2A:16-35;~~

17 ~~N.J.S.2A:16-37 to N.J.S.2A:16-40;~~

18 ~~N.J.S.2A:18-1 to N.J.S.2A:18-15; both inclusive;~~

19 ¹~~[N.J.S.2A:18-17 to N.J.S.2A:18-31 both inclusive;]~~

20 N.J.S.2A:18-17 to N.J.S. 2A:18-26 both inclusive;

21 N.J.S.2A:18-28;

22 N.J.S.2A:18-30 and N.J.S.2A:18-31;¹

23 ~~N.J.S.2A:18-46 to N.J.S.2A:18-50 both inclusive;~~

24 ~~N.J.S.2A:18-62 to N.J.S.2A:18-64 both inclusive;~~

25 ~~N.J.S.2A:18-68;~~

26 ¹~~N.J.S.2A:18-70;~~¹

27 ~~N.J.S.2A:39-9;~~

28 ~~N.J.S.2A:44-105;~~

29 ~~N.J.S.2A:75-1 to N.J.S. 2A:75-7 both inclusive;~~

30 ~~N.J.S.2A:81-16;~~

31 ~~N.J.S.22A:2-24;~~

32 ~~N.J.S.22A:2-28;~~

33 ~~N.J.S.22A:2-40;~~

34 ~~N.J.S.22A:4-18;~~

35

36 Revised Statutes:

37 R.S.34:11-64

38

39 Pamphlet Laws:

40 Laws of 1981, c.243 (C.2A:4-30.62);

41 Laws of 1953, c.394 (C.2A:15-47.1);

42 Laws of 1953, c.336 (C.22A:2-45);

43 Laws of 1953, c.338 (C.22A:2-46);

44 Laws of 1955, c.92 (C.22A:2-49 and C.22A:2-50).

45 Laws of 1955, c.155 (C.52:2-6)

46 ¹[533.] ²[536.¹] 534.² This act shall take effect immediately.

47

48

49

JUDICIARY

50

51 Corrects certain statutory references to courts which have been
52 abolished.

- 1 N.J.S. 2A:75-1 to N.J.S. 2A:75-7 both inclusive;
2 N.J.S. 2A:81-16;
3 N.J.S. 22A:2-24;
4 N.J.S. 22A:2-28;
5 N.J.S. 22A:2-40;
6 N.J.S. 22A:4-18;
7
8 Revised Statutes:
9 R.S. 34:11-64
10
11 Pamphlet Laws:
12 Laws of 1981, c. 243 (C. 2A:4-30.62);
13 Laws of 1953, c. 394 (C. 2A:15-47.1);
14 Laws of 1953, c. 336 (C. 22A:2-45);
15 Laws of 1953, c. 338 (C. 22A:2-46);
16 Laws of 1955, c. 92 (C. 22A:2-49 and C. 22A:2-50).
17 Laws of 1955, c. 155 (C. 52:2-6)
18 533. This act shall take effect immediately.
19
20

21 STATEMENT

22
23 Many of New Jersey Statutes presently contain references to
24 courts (i.e. county court, county district court, juvenile and
25 domestic relations) which have been abolished. The jurisdictions
26 of these former courts have been unified in the Superior Court.
27 This bill attempts to correct these incorrect references. The bill
28 would also repeal certain statutes which are obsolete due to court
29 unification. The provisions of this bill are based on the
30 recommendations of the New Jersey Law Revision Commission.
31
32

33 JUDICIARY

34
35 Corrects certain statutory references to courts which have been
36 abolished.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1348

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1348.

Many New Jersey Statutes presently contain references to various courts (i.e. county court, county district court, juvenile and domestic relations) which have been abolished. The jurisdiction of these former courts have been unified in the Superior Court. The bill amends 531 sections of law to correct court-related references. This bill would also repeal a number of statutes which have been rendered obsolete due to court unification. The provisions of the bill are based on recommendations of the New Jersey Law Revision Commission.

At the suggestion of the Law Revision Commission and the Administrative Office of the Courts, the committee by amendment, corrected court references in three additional sections of Title 2A and added another section of Title 2A to the last statutes which the bill would repeal.

SENATE JUDICIARY COMMITTEE

ADOPTED
JAN 18 1990

AMENDMENTS

to

SENATE, No. 1348

(Sponsored by Senator O' Connor)

INSERT NEW SECTION 40 TO READ:

¹40. N.J.S.2A:17-17 is amended to read as follows:

2A:17-17. All real estate shall be liable to be levied upon and sold by executions to be issued on judgments obtained in any court of record in this State, except [county district courts] the Superior Court, Law Division, Special Civil Part, for the payment and satisfaction of the debt, damages, sum of money and costs so recovered or to be recovered; but no real estate of any testator or intestate shall be sold or in anywise affected by any judgment or execution against executors or administrators. No judgment obtained for the payment and satisfaction of any employment wage tax, including penalties, shall be enforced pursuant to this section.¹

(cf:P.L.1981, c.548, s.1)

RENUMBER SECTIONS 40 TO 47 AS SECTIONS 41 TO 48

INSERT NEW SECTIONS 49 AND 50 TO READ:

¹49. N.J.S.2A:18-27 is amended to read as follows:

2A:18-27. A writ of execution issued out of [a county district court] the Superior Court, Law Division, Special Civil Part shall remain valid and effective for the purpose of a levy, and shall be operative and effective against any goods and chattels levied upon, for 1 year from the date of its issuance, unless sooner satisfied. Thereafter it shall be void. The officer shall make a return to the clerk of the proceedings had by him on such writ forthwith after a satisfaction thereof, otherwise within 1 year.¹

(cf: N.J.S.2A:18-27)

¹50. N.J.S.2A:18-29 is amended to read as follows:

2A:18-29. If, by reason of the negligence of an officer in the performance of any of the duties imposed upon him [by this article] respecting an execution for the Superior Court, Law Division, Special Civil Part, the execution creditor fails to recover the amount, or any part thereof, to which he is entitled under the execution, with costs, the officer shall be liable to the execution creditor therefor, recoverable in an action of contract, with double costs.¹

(cf: N.J.S.2A:18-29)

RENUMBER SECTIONS 48 TO 531 AS SECTIONS 51 TO 534

REPLACE SECTION 532 TO READ:

¹[532.] 535. ¹ The following are repealed:

New Jersey Statutes sections:

N.J.S. 2A:8-11;

N.J.S. 2A:16-10;

N.J.S. 2A:16-14;

N.J.S. 2A:16-21 to N.J.S. 2A:16-27 both inclusive;

N.J.S. 2A:16-30;

N.J.S. 2A:16-34 and N.J.S. 2A:16-35;

N.J.S. 2A:16-37 to N.J.S. 2A:16-40;

N.J.S. 2A:18-1 to N.J.S. 2A:18-15; both inclusive;

¹[N.J.S. 2A:18-17 to N.J.S. 2A:18-31 both inclusive;]

N.J.S. 2A:18-17 to N.J.S. 2A:18-26 both inclusive;

N.J.S. 2A:18-28;

N.J.S. 2A:18-30 and N.J.S. 2A:18-31;¹

N.J.S. 2A:18-46 to N.J.S. 2A:18-50 both inclusive;

N.J.S. 2A:18-62 to N.J.S. 2A:18-64 both inclusive;

N.J.S. 2A:18-68;

¹N.J.S. 2A:18-70;¹

N.J.S. 2A:39-9;

N.J.S. 2A:44-105;

N.J.S. 2A:75-1 to N.J.S. 2A:75-7 both inclusive;

N.J.S. 2A:81-16;

N.J.S. 22A:2-24;

N.J.S. 22A:2-28;

N.J.S. 22A:2-40;

N.J.S. 22A:4-18;

Revised Statutes:

R.S. 34:11-64

Pamphlet Laws:

Laws of 1981, c. 243 (C. 2A:4-30.62);

Laws of 1953, c. 394 (C. 2A:15-47.1);

Laws of 1953, c. 336 (C. 22A:2-45);

Laws of 1953, c. 338 (C. 22A:2-46);

Laws of 1955, c. 92 (C. 22A:2-49 and C. 22A:2-50).

Laws of 1955, c. 155 (C. 52:2-6)

RENUMBER SECTION 533 AS SECTION 536

nlc

**ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE**

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1348

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1348 [1R].

Many New Jersey statutes presently contain references to various courts (i.e. county court, county district court, juvenile and domestic relations) which have been abolished. The jurisdiction of these former courts have been unified in the Superior Court. The bill amends many sections of law to correct court-related references. This bill would also repeal a number of statutes which have been rendered obsolete due to court unification. The provisions of the bill are based on recommendations of the New Jersey Law Revision Commission.

These amendments are technical in nature. They update the bill to reflect recent statutory enactments.

These amendments make this bill
identical to A-3986. \Q

ASSEMBLY AIL COMMITTEE

ADOPTED

OCT 4 1990

AMENDMENTS

to

SENATE, 1348(1R)

(Sponsored by Senator O' Connor)

REPLACE SECTION 68 TO READ: *stet*

¹[65.] 68.¹ Section 2 of P.L.1974, c. 49 (C.2A:18-61.1) is amended to read as follows:

2. No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the [county district court or the] Superior Court from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes, other than owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant, except upon establishment of one of the following grounds as good cause:

- a. The person fails to pay rent due and owing under the lease whether the same be oral or written;
- b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood;
- c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises;
- d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term;
- e. The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable and was contained in the lease at the beginning of the lease term;
- f. The person has failed to pay rent after a valid notice to quit and notice of increase of said rent, provided the increase in rent is not unconscionable and complies with any and all other laws or municipal ordinances governing rent increases;

g. The landlord or owner (1) seeks to permanently board up or demolish the premises because he has been cited by local or State housing inspectors for substantial violations affecting the health and safety of tenants and it is economically unfeasible for the owner to eliminate the violations; (2) seeks to comply with local or State housing inspectors who have cited him for substantial violations affecting the health and safety of tenants and it is unfeasible to so comply without removing the tenant; simultaneously with service of notice of eviction pursuant to this clause, the landlord shall notify the Department of Community Affairs of the intention to institute proceedings and shall provide the department with such other information as it may require pursuant to rules and regulations. The department shall inform all parties and the court of its view with respect to the feasibility of compliance without removal of the tenant and may in its discretion appear and present evidence; (3) seeks to correct an illegal occupancy because he has been cited by local or State housing inspectors and it is unfeasible to correct such illegal occupancy without removing the tenant; or (4) is a governmental agency which seeks to permanently retire the premises from the rental market pursuant to a redevelopment or land clearance plan in a blighted area. In those cases where the tenant is being removed for any reason specified in this subsection, no warrant for possession shall be issued until P.L.1967, c. 79 (C.52:31B-1 et seq.) and P.L.1971, c. 362 (C.20:4-1 et seq.) have been complied with;

h. The owner seeks to retire permanently the residential building or the mobile home park from residential use or use as a mobile park, provided this paragraph shall not apply to circumstances covered under ²[paragraph] subsection² g. of this section;

i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept; provided that in cases where a tenant has received a notice of termination pursuant to ²subsection g. of² section 3 ²[g.]² of P.L.1974, c. 49 (C.2A:18-61.2), or has a protected tenancy status pursuant to section 9 of the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c. 226 (C.2A:18-61.22 et seq.) the landlord or owner shall have the burden of proving that any change in the terms and conditions of the lease, rental or regulations both is reasonable and does not substantially reduce the rights and privileges to which the tenant was entitled prior to the conversion;

j. The person, after written notice to cease, has habitually and without legal justification failed to pay rent which is due and owing;

k. The landlord or owner of the building or mobile home park is converting from the rental market to a condominium, cooperative or fee simple ownership of two or more dwelling units or park sites, except as hereinafter provided in subsection 1.²of this section.² Where the tenant is being removed pursuant to this subsection, no warrant for possession shall be issued until this act has been complied with. No action for possession shall be brought pursuant to this subsection against a senior citizen tenant or disabled tenant with protected tenancy status pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," ²[P.L.[1981], c. [226] (C.[2A:18-61.22 et seq.])] P.L.1981, c. 226 (C.2A:18-61.22 et al.)², as long as the agency has not terminated the protected tenancy status or the protected tenancy period has not expired;

l. (1) The owner of a building or mobile home park, which is constructed as or being converted to a condominium, cooperative or fee simple ownership, seeks to evict a tenant or sublessee whose initial tenancy began after the master deed, agreement establishing the cooperative or subdivision plat was recorded, because the owner has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing. However, no action shall be brought against a tenant under paragraph (1) of this subsection unless the tenant was given a statement in accordance with section 6 of ²[this amendatory act] P.L. 1975, c. 311 (C.2A:18-61.9)²;

(2) The owner of three or less condominium or cooperative units seeks to evict a tenant whose initial tenancy began by rental from an owner of three or less units after the master deed or agreement establishing the cooperative was recorded, because the owner seeks to personally occupy the unit, or has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing;

(3) The owner of a building of three residential units or less seeks to personally occupy a unit, or has contracted to sell the residential unit to a buyer who wishes to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing;

m. The landlord or owner conditioned the tenancy upon and in consideration for the tenant's employment by the landlord or owner as superintendent, janitor or in some other capacity and such employment is being terminated.

²n. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al. involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the

meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing, a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said act.

o. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently.

p. The person has been found, by a preponderance of the evidence, liable in a civil action for removal commenced under this act for an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord, or under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who committed such an offense, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who

harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said "Comprehensive Drug Reform Act of 1987."²

(cf: P.L.1989, c. 294, s. 1)

REPLACE SECTION 153 TO READ:

¹[150.] 153.¹ Section 6 of P.L.1962, c. 126 (C.4²[A]²:2A-6) is amended to read as follows:

6. Any person who violates any of the provisions of this act, or the rules and regulations thereunder, shall be liable to a penalty of not more than \$50.00 for the first offense, and not more than \$200.00 for any subsequent offense.

For the purposes of section 2 of this act a master shall be liable for the actions of his servant to the same extent as the servant.

Penalties set forth in this act shall be sued for by and in the name of the secretary and shall be recoverable with costs. [County Courts, county district courts] The Superior Court and municipal courts shall have jurisdiction to enforce the provisions of this act. Any proceeding for a violation of this act may be brought in the [county or] municipality where the violator resides, has a place of business, or principal office or where the act or omission or part thereof complained of occurred. The proceeding shall be summary in nature and in accordance with the Penalty Enforcement Law (N. J.S.2A:58-1 et seq.).

In addition, the secretary may apply to the Superior Court for a judgment to restrain any violation or continuing violations of this act and the rules and regulations adopted thereunder.

(cf: P.L.1962, c. 126, s. 6)

REPLACE SECTION 208 TO READ:

¹[205.] 208.¹ R.S.9:11-1 is amended to read as follows:

9:11-1. [The judges of the County Court of a county of the first class, except in counties of the first class having a population of more than 800,000 inhabitants, whenever in their judgment it shall be necessary or proper shall so certify to the board of chosen freeholders and upon their approval of the need, the judges may appoint 5 persons at least 1 of whom shall be a woman, who, together with such judges and the judge of the juvenile and domestic relations court, ex officio, shall constitute a board to be known as the Board of Trustees of the Youth House of the county of _____.

Such appointees shall be formally approved by the board of chosen freeholders before they enter upon the discharge of their duties. They shall hold office for 3 years and until their successors are appointed. They shall receive no compensation.]

In counties of the first class [having a population of more than 800,000 inhabitants, in which there is now established a parental school, under the provisions of the act to which this act is an amendment, and in all other counties of the first class having a population of more than 800,000 inhabitants], whenever in its judgment it shall be necessary or proper, the ²[board of chosen freeholders] governing body of the county² shall appoint 8 persons[, at least 1 of whom shall be a woman, who, together with the judges of the juvenile and domestic relations court, ex officio,] who shall constitute a board to be known as the Board of Trustees of the Youth House of the county of _____. They shall serve without compensation and shall hold office for a term of 4 years and until their successors are appointed, except that of the 8 members first appointed, 2 shall hold office for 4 years, 2 shall hold office for 3 years, 2 shall hold office for 2 years, and 2 shall hold office for 1 year. The holding of any other public office by any member of said board of trustees shall not be held to be incompatible with ²[his or her] the² office as member of such board of trustees. A vacancy caused by death, resignation or otherwise shall be filled by the ²[board of chosen freeholders] governing body of the county² for the unexpired term.

(cf: P.L.1990, c. 26, s. 7)

REPLACE SECTION 210 TO READ:

¹[207.] 210¹ Section 25 of P.L.1953, c. 9 (C.9:12A-1) is amended to read as follows:

25. The ²[board of chosen freeholders] governing body² of any county may establish, equip and maintain a home for the temporary detention of children, separated entirely from any place of confinement of adults, to be known as "The Children's Shelter of ².....² County," which shall be conducted as an agency for the purposes of caring for the children of the county whose cases are pending before the [juvenile and domestic relations court of] Superior Court, Chancery Division, Family Part in the county or who are homeless or abandoned, abused, neglected or cruelly treated, or who, being under 16 years of age, are witnesses before such court or some other court.

The ²[board] governing body of the county² may appropriate sufficient funds for the purchase of property and the building or buildings and the furnishing of supplies and equipment therefor from the annual appropriations, or if they consider the amount too great to add to the annual appropriation, they may issue bonds for such purpose.

The building may be built on property owned by the county or the ²[board] governing body of the county² may acquire the same by gift, purchase or condemnation.

The ²[board] governing body of the county² may appoint a committee of 7 citizens of the county, [at least 2 of whom shall be women,] who together with [the judge of the juvenile and domestic relations court of the county and] the director of the ²[board of chosen freeholders] governing body of the county² as ²[an]² ex-officio ²[member(s)]² shall constitute the board of trustees of the children's shelter. The board of trustees shall make the rules and regulations for the management of the children's shelter and the groupings of the children therein.

In any county in which a children's shelter is or shall be established and operated pursuant to this section, solely for children who are homeless or abandoned, abused, neglected or cruelly treated, the ²[board of chosen freeholders] governing body of the county² may, by resolution, determine to operate and manage such children's shelter instead of appointing a board of trustees for such purpose, in which case the ²[board of chosen freeholders] governing body of the county² shall have and may exercise all the powers of a board of trustees as provided in this section.

The shelter shall be in ²the² charge of a superintendent, and the board of managers, or the ²[board of chosen freeholders] governing body of the county², as the case may be, shall have authority to appoint the superintendent, and other employees in like manner as other county employees are appointed; the ²[board of chosen freeholders] governing body of the county² shall provide the funds for carrying on the shelter and for the betterments, improvements and replacements that may be required, in the annual appropriations, but money for new buildings and the equipment thereof and other permanent improvements may be raised by bond issue.

(cf: P.L.1990, c. 26, s. 8)

REPLACE SECTION 281 TO READ:

¹[278.] 281.¹ R.S.23:7-2 is amended to read as follows:

23:7-2. A person violating the provisions of [section] R.S.23:7-1 [of this Title] may be arrested without warrant by the owner, occupant, lessee, ²[licensee]² or ²[an] any police² officer ²[of the law]² and taken for trial before [any county district court] ²[the] any² Superior Court or municipal court which shall have jurisdiction to try such offender ²[and pronounce sentence]².

In a prosecution ²in a court of competent jurisdiction² for violation hereof, the failure of the defendant to produce ²[a]² written ²[permit] permission² to hunt ²[and],² fish ², trap, or take wildlife, as the case may be,² on the lands on which he is charged with trespassing, signed by the owner, occupant, ²or² lessee ²[or licensee]² thereof shall be prima facie proof that he was forbidden so to trespass.

(cf: P.L.1990, c. 29, s.5)

OMIT SECTION 344 IN ITS ENTIRETY

RENUMBER SECTIONS 345 THROUGH 376 AS SECTIONS 344 THROUGH 375

REPLACE SECTION 377 TO READ:

¹[374.] ²[377.1] 376.2 Section 2 of P.L.1971, c. 311 ²[s.2]² (C.39:10-9.2) is amended to read as follows:

2. Any person who transfers or attempts to transfer a motor vehicle in violation of this act shall be subject to a fine of \$150.00 for a first offense and \$250.00 for each subsequent offense. Such offense shall be prosecuted in the Superior Court or in the municipal [or county district] court.

(cf: P.L.1971, c.311, s.2)

RENUMBER SECTIONS 378 THROUGH 448 AS SECTIONS 377 THROUGH 448

REPLACE SECTION 450 TO READ:

¹[447.] ²[450.1] 449.2 ²[R.S. 45:1-25] Section 12 of P.L. 1978, c.73 (C. 45:1-25)² is amended to read as follows:

12. Any person violating any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than \$2,500.00 for the first offense and not more than \$5,000.00 for the second and each subsequent offense. For the purpose of construing this section, each transaction or statutory violation shall constitute a separate offense; provided, however, a second or subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board. Such action may be brought in summary manner pursuant to the Penalty Enforcement Act (N.J.S.2A:58-1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal [or county district] court where the offense occurred. Process in such action may be by summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property

acquired by means of an unlawful act or practice. Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court. In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State.

(cf: P.L.1978, c.73, s.12)

RENUMBER SECTIONS 451 AND 452 AS SECTIONS 450 AND 451

OMIT SECTION 453 IN ITS ENTIRETY

RENUMBER SECTIONS 454 THROUGH 474 AS SECTIONS 452 THROUGH 472

REPLACE SECTION 475 TO READ:

¹[472.] ²[475.1] ^{473.}² Section 1 of P.L.1971, c.62, ²[s.1]² (C.48:10-11) is amended to read as follows:

1. Any person who violates any provision of the Natural Gas Safety Act, (P.L.1952, c. 166, C. 48:10-2 et seq.) as amended and supplemented or any order, rule or regulation issued thereunder, shall be subject to a civil penalty of not more than \$2,500.00 for each violation for each day that the violation persists; however, the maximum civil penalty shall not exceed \$200,000.00 for any related series of violations.

Any civil penalty may be compromised by the Board of Public Utility Commissioners. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the State to the person charged or may be recovered in a summary proceeding in accordance with the Penalty Enforcement Law (N.J.S.2A:58-1 et seq.). The Superior Court[, County Court, county district court] and the municipal court shall have jurisdiction to enforce the provisions of this act.

(cf: P.L.1971, c.62, s.1)

RENUMBER SECTIONS 476 THROUGH 532 AS SECTIONS 474 THROUGH 530

REPLACE SECTION 533 TO READ:

¹[530.] ²[533.1] ^{531.}² Section 10 of P.L.1977, c.224 , ²[s.10]² (C.58:12A-10) is amended to read as follows:

10. a. If any person violates any of the provisions of this act or any rule, regulation or order promulgated or issued pursuant to the provisions of this act, the department may institute a civil action in a court of competent jurisdiction for injunctive or any other appropriate relief to prohibit and prevent such violation or violations, and the said court may proceed in the action in a summary manner.

b. Any person who violates the provisions of this act or any rule, regulation or order promulgated pursuant to this act shall be liable to a civil administrative penalty of not more than \$5,000.00 for the first offense, not less than \$5,000.00 nor more than \$10,000.00 for the second offense, and up to \$25,000.00 for the third and each subsequent offense , to be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), or in any case before a court of competent jurisdiction wherein injunctive relief had been requested. If the violation is of a continuing nature, each day during which it continues subsequent to receipt of an order to cease the violation shall constitute an additional, separate and distinct offense. No civil administrative penalty shall be levied, except subsequent to the notification of the violator by certified mail or personal service. The notice shall include a reference to the section of the statute, regulation, order or permit-condition violated; a concise statement of the facts alleged to constitute the violation; a statement of the amount of the civil penalties to be imposed; and a statement of the violator's right to a hearing. The violator shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. Subsequent to the hearing and upon a finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order upon the expiration of the 20 day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in this act, and the payment of a civil administrative penalty shall not be deemed to affect the availability of any other enforcement provision in connection with the violation for which the penalty is levied.

c. The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances, including the posting of a performance bond by the violator.

d. Any person who violates this act, or an administrative order issued pursuant to subsection b. of this section, or a court order issued pursuant to subsection a. of this section, or who fails to pay a civil administrative penalty in full pursuant to subsection b. of this section shall be subject, upon order of the court, to a civil penalty not to exceed \$10,000.00 per day of the violation, and each day's continuance of the violation shall constitute a separate

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and distinct violation. Any penalty imposed under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court [and county district court] shall have jurisdiction to enforce "the penalty enforcement law."

(cf: P.L.1983, c.433, s.17)

RENUMBER SECTIONS 534 THROUGH 536 AS SECTIONS 532 THROUGH 534

Legislative Counsel (C. 52:11-61). By L.1985, c.498, the Legislature transferred the particular functions of statutory revision and codification to the New Jersey Law Revision Commission.

III. PROJECTS AND RECOMMENDATIONS

A. Revision of the Laws Relating to the Structure of the Court System

In 1989, the Commission completed and filed a two-part report with recommendations for change in the statutes relating to the organization of the court system. As noted in last year's Annual Report, the purpose of this project was to make the statutes reflect the changes in the court system resulting from consolidation of the courts which took place in 1978 and 1983.

There are 34 sections in the Commission's proposal, which would replace 189 sections of current law. The proposed material continues the substantive effect of all replaced sections and reflects current practice in the court system. The fact that the statutes now contain a large number of superseded sections, or sections which relate to subject matters not relevant within a unified court system, explains the difference in length between the proposed material and the current sources.

The second part of the Commission's report identifies sections of the New Jersey statutes specific to courts which have been abolished. The report proposes deletion of these sections. In addition, the second part of the report identifies references to the old courts and proposes corrections of the references.

The first part of the Commission's Report on Organization of the Courts is appended to this Annual Report. Because of the nature and size of the second part of the Report, it is not appended.

APPENDIX A

**REPORT AND RECOMMENDATIONS
ON
ORGANIZATION OF THE COURTS**

**NEW JERSEY LAW REVISION COMMISSION
15 Washington Street
Newark, New Jersey 07102
(201)648-4575
April, 1989**

INTRODUCTION

The current statutes on the organization of the courts are found in Title 2A, Chapters 1, 1A, 2, 3, 6, 11, and part of Chapter 4. Since the time that material was codified in 1953, the court structure in New Jersey has undergone major change. As a result, many of the statutory sections are obsolete. Some have been superseded but not repealed. E.g. N.J.S. 2A:1-1. Some are specific to courts which no longer exist. E.g. N.J.S. 2A:3-14. Some reflect conditions which no longer exist. E.g. N.J.S. 2A: 11-30. In addition, many of the sections would benefit from clarification and consolidation.

In total, the statutory material on organization of the courts now comprises 189 sections. The Commission's proposal comprises 34 sections. That proposal deals with all the subject matters of the current sections and attempts to do so clearly and comprehensively.

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CHAPTER 1 - GENERAL

2B:1-1. Seals

The Supreme Court shall prescribe the form of its seal and the seals of the Superior Court and Tax Court. Each municipal court shall prescribe the form of its seal with the approval of the Supreme Court.

Source: 2A:6-7, 2A:11-1

COMMENT

The section is a simplified version of the source sections, and is revised to reflect changes in the courts in existence.

2B:1-2. Preservation of court records

The Supreme Court may adopt regulations governing the retention, copying and disposal of records and files of any court or court support office.

Source: 2A:6-45, 2A:6-46, 2A:11-48 through 2A:11-53.3

COMMENT

The source provisions specify methods of duplicating court records and time periods during which certain records must be retained. This section abandons those detailed provisions in favor of a more flexible rule-making authority. Pursuant to C.47:3-17 to 20, a rule providing for destruction of records would involve the Bureau of Archives and Records Preservation.

2B:1-3. Criminal history record information

The Supreme Court is authorized to receive criminal history record information from the Federal Bureau of Investigation for use in licensing and disciplining attorneys-at-law of this State.

Source: 2A:1-12

COMMENT

The section is essentially identical to its source, 2A:1-12. As set forth in the Introductory Statement to L.1979, c.370, federal law requires that a state governmental unit have express statutory authority in order to receive this information. See 28 U.S.C. §534(a)(4), and regulations promulgated under the authority of the statute, 28 C.F.R. §20.33 (a)(3).

CHAPTER 2 - JUDGES

2B:2-1. Number of judges - See memo for options

a. The Superior Court shall consist of 359 judges.

b. 1) The Superior Court shall at all times consist of the following number of judges, who at the time of their appointment and reappointment were residents of each county:

| | |
|------------|----|
| Atlantic | 10 |
| Bergen | 24 |
| Burlington | 5 |
| Camden | 14 |
| Cape May | 4 |
| Cumberland | 6 |
| Essex | 28 |
| Gloucester | 8 |
| Hudson | 22 |
| Hunterdon | 3 |
| Mercer | 8 |
| Middlesex | 20 |
| Monmouth | 16 |
| Morris | 13 |
| Ocean | 14 |
| Passaic | 14 |
| Salem | 2 |
| Somerset | 6 |
| Sussex | 3 |
| Union | 16 |
| Warren | 3 |

2) Additionally, the following number of those judges of the Superior Court satisfying the residency requirements set forth above shall at all times sit in the county in which they reside:

| | |
|------------|----|
| Atlantic | 4 |
| Bergen | 12 |
| Burlington | 4 |
| Camden | 8 |
| Cape May | 2 |
| Cumberland | 4 |
| Essex | 14 |
| Gloucester | 6 |
| Hudson | 6 |
| Hunterdon | 2 |
| Mercer | 6 |
| Middlesex | 8 |
| Monmouth | 4 |
| Morris | 6 |
| Ocean | 8 |
| Passaic | 6 |
| Salem | 2 |
| Somerset | 4 |
| Sussex | 2 |

Union
Warren

6
2

Source: 2A:2-1

COMMENT

The section is essentially identical to its source, 2A:2-1. While its substance is unchanged, the form of subsection b.(2) differs from its source. The source subsection only makes reference to the number of judges of the county court authorized for each county on December 6, 1978. In the interest of clarity, subsection b.(2) of this proposal includes a chart specifying the number of judges on that date.

The requirement of subsection b. is derived from the New Jersey Constitution, Art. 6, §3, ¶3 but is not identical to it. The statute requires that the judges who must sit where they reside be among those satisfying the residency requirement at appointment. That restriction is not found in the Constitution. Subsection b.(1) varies more widely from its cognate Constitutional provision. See N.J. Const. Art. 6, §3, ¶1 which requires only that there be two resident judges in each county. The sensitivity of this issue is such, however, that the Commission felt that it was not its role to vary the requirements of this section.

2B:2-2. Assignment of Superior Court judges

A judge of the Superior Court may be assigned temporarily by the Chief Justice to any court established by statute and exercise all the powers of that court.

Source: 2A:3-7, 2A:6-11, 2A:3A-21, 2A:8-11

COMMENT

This section authorizes the Chief Justice to assign Superior Court judges to courts of limited jurisdiction that may be established from time to time by the Legislature. At present, the only statutory courts are the Tax Court and the municipal courts. There is no provision now which is precisely equivalent to that proposed. 2A:3-7 and 2A:6-11 give Superior Court judges the powers of judges of the former county and county district courts. 2A:8-11 makes county court judges ex officio judges of the municipal court. 2A:3A-21 gives the Chief Justice the power to assign judges of the Superior Court to the Tax Court. It appeared appropriate, in place of all of these provisions, to empower the Chief Justice to assign judges of the Superior Court temporarily to any statutory court.

The authority of the Chief Justice to assign judges to constitutional courts is constitutionally-based and thus no statutory provision is needed concerning such assignments. See N.J. Const. Art. VI, §7, ¶2 and Art. VI, §2, ¶1.

2B:2-3. Judge seeking elective office

A justice or judge of any court of this state, other than a surrogate who is a candidate for reelection, who becomes a candidate for an elective public office, thereby forfeits judicial office.

Source: 2A:11-2

COMMENT

The section is similar to its source, 2A:11-2. The word "justice" has been added to bring the section into harmony with the constitutional provision from which it derives, N.J. Const. Art. VI, §7, ¶7. The section also differs from its source in its treatment of surrogates. The source, 2A:11-2, allows a surrogate to be a candidate for any office; this section would allow a surrogate to be a candidate only for reelection. The added restriction reflects current practice; surrogates are limited in their political activity by Court Rule 1:17-1(g). Moreover, since surrogates are judicial officers, it seems appropriate that their political involvement be minimized. See, Clark v. De Fino, 80 N.J. 539, 546-548 (1979).

2B:2-4. Judicial salaries

Annual salaries of justices and judges shall be:

| | |
|---|----------|
| Chief Justice of the Supreme Court | \$95,000 |
| Associate Justice of the Supreme Court | 93,000 |
| Judge of the Superior Court, Appellate Division | 90,000 |
| Judge of the Superior Court, Assignment Judge | 88,000 |
| Judge of the Superior Court; Judge of the Tax Court | 85,000 |

Source: 2A:1A-6

COMMENT

The section is nearly identical in substance to its source, 2A:1A-6. The only change is the addition of judges of the Tax Court

2B:2-5. Responsibility for judicial salaries

The State shall be responsible for the cost of the salaries of the justices of the Supreme Court, judges of the Superior Court and judges of the Tax Court, except that where the number of Superior Court judges restricted as to residence or assignment by N.J.S. 2B:2-lb. or c. is increased, the county shall be responsible for funding 100% of the cost of the salary of any judge who has been assigned in the first year following the date of increase; 75% in the second year; 50% in the

third year; 25% in the fourth year; and in the fifth year, the State shall be responsible for the entire cost of the salary of any judge so assigned.

Source: 2A:2-1.3b.

COMMENT

The section is a substantial reenactment of its source, subsection b. of 2A:2-1.3.

CHAPTER 3 - CLERKS

2B:3-1. Appointment of court clerks

a. The Supreme Court shall appoint to serve at its pleasure, and shall fix the salary of, the Clerk and a Deputy Clerk of the Supreme Court, neither of whom shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

b. The Supreme Court shall appoint to serve at its pleasure, and shall fix the salaries of, the Clerk and Deputy Clerks of the Superior Court and the Clerk and Deputy Clerks of the Appellate Division of the Superior Court, none of whom shall be subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes unless the Supreme Court directs otherwise.

c. The clerks of the Supreme Court, the Superior Court, and the Appellate Division of the Superior Court shall select and employ other necessary assistants in accordance with the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

Source: 2A:1-2, 2A:1-6, 2A:2-3, 2A:2-7, 2A:6-23

COMMENT

Subsection a. is a substantial reenactment of the amalgam of 2A:1-2 and 2A:1-6. Subsection b. is derived from 2A:2-3 and 2A:2-7, but flexibility is given in the number of deputy clerks and in the applicability of Civil Service law. Subsection c. is based on 2A:6-23 which related to the clerks of the county district courts. While there is no analogous provision applicable to the Supreme Court or Superior Court, the principle is clearly implied in current law. See, e.g., 2A:1-5, 2A:2-6.

2B:3-2. Clerks, offices and duties

a. The offices of the Clerk of the Supreme Court, the Clerk of the Superior Court, and the Clerk of the Appellate Division of the Superior Court shall be in the City of Trenton. The offices of the Deputy Clerks of the Superior Court shall be in places selected by the Supreme Court as convenient for performance of the deputy clerks' duties except that any office of any deputy clerk subject to Title 11A, Civil Service, shall be in the county in which the deputy clerk previously served unless the deputy clerk consents to transfer.

b. The clerk of each court shall be the custodian of the property, records and seal of that court.

c. Any duties performed by a county clerk for any court shall be in the capacity of Deputy Clerk of the Superior Court as provided by the Constitution.

Source: 2A:1-4, 2A:2-5, 2A:6-20, 2A:11-1

COMMENT

The section pertaining to siting of the clerks' offices is a substantial reenactment of 2A:1-4 and 2A:2-5, except that the reference to the offices of deputy clerks of the Superior Court is new. Subsection b., in its reference to property and records, is a generalization of 2A:6-20. The reference to seals is a substantial reenactment of the provisions of 2A:11-1 on that subject. Subsection c. is new. It reflects the Constitutional duties of county clerks pursuant to N.J. Const. Art. XI, §VI.

2B:3-3. Instruments executed by Clerk of the Superior Court in connection with property held by Superior Court; signatures

All drafts, checks and other instruments executed in connection with any property held by the Superior Court shall be signed by the Clerk of the Superior Court and countersigned by an official designated by the Chief Justice of the Supreme Court by order in writing.

Source: 2A:2-10, 2A:2-11

COMMENT

The section is substantially based on 2A:2-11. Language changes have been made to reinforce the generality of the provision so that it can serve to replace both 2A:2-10 and 2-11. The section has also been changed to reflect the practice of allowing countersigning by an official other than a Superior Court judge.

2B:3-4. Clerk of Superior Court as named party

The Superior Court of New Jersey may be sued by naming the Clerk of the Superior Court as the representative of the court. The Clerk shall not be individually liable for any costs or fees, nor subject to a personal judgment.

Source: 2A:2-9

COMMENT

The section is substantially identical to its source, 2A:2-9.

CHAPTER 4 - OTHER EMPLOYEES

2B:4-1. Special counsel

a. In any action involving the constitutionality or validity of a statute providing for the expenditure of public moneys by the State or any instrumentality thereof, where the legal issues concerning the constitutionality or validity thereof are genuine, and a question arises as to whether the interests of the parties may not be truly adverse, and the issues are of public importance, and an adjudication thereof is in the public interest, the Chief Justice of the Supreme Court, or the Supreme Court *en banc*, may appoint counsel specially to represent any party or interest as may be deemed necessary and appropriate to assure the full presentation of adversary positions and interests with respect to the issues.

b. The Supreme Court, upon petition of special counsel, shall allow such fees and expenses as the Court deems adequate and reasonable. Such allowances shall be paid from any available funds by the chief financial officer of the governmental agency involved in such action. Where more than one governmental body or agency is involved, the Court may direct the allocation of the allowable fees and expenses between such bodies or agencies in such proportionate amounts as it considers appropriate.

Source: 2A:1-10, 2A:1-11

COMMENT

The section is identical to its source sections.

2B:4-2. Appointment of additional employees

The Supreme Court may appoint subordinate officers and employees necessary for the convenient performance of the duties of the Supreme Court and the Superior Courts.

Source: 2A:11-31

COMMENT

The section is a substantial reenactment of 2A:11-31. The appointment power provided is broad enough that sections such as 2A:1-7 (standing masters), which allowed specific appointments, are unnecessary.

2B:4-3. Appointment of staff of justices and judges

A justice of the Supreme Court or a judge of the Superior Court may appoint secretaries, law clerks and other assistants to staff positions approved by

the Supreme Court. These employees shall serve at the pleasure of the appointing justice or judge.

Source: 2A:11-6, 2A:11-7, 2A:11-9

COMMENT

This section deals with secretarial and legal staffs of individual judges and justices. An appointment to these positions is made by the particular justice or judge served; creation of a position requires the approval of the Supreme Court. The section is based on the three source sections, but while those sections created particular positions, this section is more flexible.

CHAPTER 5 - PAYMENT OF SALARIES AND OTHER COSTS; PROVISION OF SERVICES

2B:5-1. Secretarial and legal staff of justices and judges

a. The State shall be responsible for the cost of secretarial and legal staff employees appointed by justices of the Supreme Court, judges of the Appellate Division, and judges of the Chancery Division other than the Family Part.

b. The counties shall be responsible for the cost of secretarial and legal staff employees appointed by judges of the Law Division and of the Family Part of the Chancery Division. For the purpose of determining their compensation, these employees shall be considered to be county employees.

Source: 2A:11-8, 2A:11-10

COMMENT

The section provides for payment of the salaries of secretarial and legal staff of individual justices and judges. This is one of four sections which allocate certain costs of the court system between the State and the counties. See also 2B:2-5, 2B:5-2 and 2B:6-1. The Commission did not deem it appropriate to recommend a change in the allocation of costs and, in these four sections, is attempting to reflect current law and practice. The underlying principle of the proposed sections is that the counties are responsible for the cost of the Law Division and the Family Part of the Chancery Division, while the State is responsible for all other parts of the Superior Court and for the Supreme Court. While some deviations from this principle now occur, it constitutes the overwhelming percentage of current practice.

The legal basis for current practice is less clear. The statutes on costs tend to divide based on divisions of the Superior Court with the Appellate and Chancery Division costs given to the State and the Law Division given to the counties. In addition, the cost of the old Juvenile and Domestic Relations Court was always a county charge. See, e.g., 2A:11-33.

The Juvenile and Domestic Relations Court was replaced by the Family Court by L.1982, c.78. The Family Court was also given matrimonial cases. That change was part of a package: L.1982, c.77 enacted the Juvenile Code; L.1982, c.79 dealt with disclosure of the names of juveniles; L.1982, c.80 dealt with juvenile/family crisis intervention units and L.1982, c.81 dealt with court

intake services. Together, these acts were compiled as Chapter 4A of Title 2A. There was a provision for payment of costs in the Juvenile Code, L.1982, c.77: "All expenses incurred in complying with the provisions of this chapter shall be a county charge." The question is whether that section was intended to place the costs of the whole package on the counties, or just the costs resulting from the adoption of the Juvenile Code. The use of the word "chapter" within the section could refer to the chapter of the session law, but more likely refers to Chapter 4A of Title 2A. The situation is confused by the fact that this section was compiled in Chapter 4 as 2A:4-41, rather than where it appeared in the Act following 2A:4A-59. If 2A:4-41 is intended to provide for all of the Family Court, then the Family Part of the Chancery Division, which is a direct descendant of the Family Court, should be a county charge, as 2A:4-41 was not repealed when the other law relating to the Family Court was repealed.

This discussion not only gives some justification for the current practice in regard to the division of costs, but underlines the need for clarification of the law in this regard. It is the purpose of sections 2B:5-1, 2B:5-2 and 2B:6-1 to provide clear rules on this subject.

2B:5-2. Administrative staff for Superior Court

a. The State shall be responsible for the cost of employees necessary for the operation, management and recordkeeping of the Supreme Court, the Appellate Division, the Chancery Division other than the Family Part, and the Office of the Clerk of the Superior Court.

b. Each county shall provide employees necessary for the operation, management and recordkeeping of the Law Division and Family Part of the Chancery Division of the Superior Court assigned to cases from that county. These employees shall be appointed and shall perform their duties in the manner established by the Chief Justice. For the purpose of determining their compensation, these employees shall be considered to be county employees. Employees performing other than clerical functions shall serve at the pleasure of the appointing authority.

Source: 2A:11-10, 2A:11-31, 2A:4-41

COMMENT

The section embodies the division of the responsibility for costs between the county and the State. On this subject, see comment to section 2B:5-1.

This section deals with the staffs of the courts rather than the staffs of individual judges. Most employees performing these functions in the Law Division and Family Part of the Chancery Division are those who performed those functions for the County, District and Juvenile and Domestic Relations Courts prior to consolidation. See section 2B:9-1. These employees are now under the supervision of the trial court administrator and the assignment judge. See Matter of Judges of Passaic County, 100 N.J. 352, 358-9 and 366 (1985). The reference to the performance of duties "in the manner established by the Chief Justice" is new; the purpose is to make it clear that while the employees are paid by the counties and for that purpose are county employees, they work under the supervision of the judiciary.

The current practice on hiring these employees is not consistent. In some counties, additional employees are provided by the county clerk or other county official. In other counties, they are hired by their supervisor within the constraints of the county judicial budget. As it seems preferable not to divide hiring from supervision, the section chooses the latter practice.

2B:5-3. Compensation of employees administering trust fund

The Clerk of the Superior Court shall pay to the State Treasurer, out of the income of the Superior Court Trust Fund, an amount equal to all payments made from the State Treasury as compensation for salaries, services and supplies furnished for administration of the fund.

Source: 2A:2-8

COMMENT

This section is a substantial reenactment of the source section.

CHAPTER 6 - EQUIPMENT AND SERVICES; EXPENSES

2B:6-1. Courtrooms and equipment; security

a. Suitable courtrooms, chambers, equipment and supplies for the Supreme Court, the Appellate Division of the Superior Court and the Chancery Division, other than the Family Part of the Chancery Division, of the Superior Court shall be provided at the expense of the State by the Administrative Director in cooperation with the Director of the Division of Purchase and Property in the Department of Treasury. These courtrooms and chambers shall be located in a courthouse or other public building so far as practicable.

b. Each county shall provide suitable courtrooms, chambers, equipment and supplies necessary for the processing and decision of cases from that county in the Law Division and the Family Part of the Chancery Division.

c. A flag of the United States shall be displayed in an appropriate place in each courtroom during all sessions of the court.

d. The sheriff of each county shall provide for security for the Law and Chancery Divisions of the Superior Court sitting in that county in the manner established by the assignment judge in that county.

Source: 2A:3-22, 2A:4-4l, 2A: 11-3, 2A:11-4

COMMENT

Subsections a. and b. embody the division of costs between the county and the State. On this subject, see comment to section 2B:5-1. Subsection c. is a substantial reenactment of its source, 2A:11-3. Subsection d. is loosely based on 2A:11-32 (see also N.J.S. 40A: 9-117.6). It codifies the sheriff's role in providing courthouse security.

2B:6-2. Rental of chambers

Any justice of the Supreme Court may rent convenient and appropriate chambers for use as a study and library and for other official needs, subject to approval by the Chief Justice. If a lease is required, it may be entered into by the Director of the Division of Purchase and Property in the Department of

Treasury or by the justice with the Director's written approval. The rental of the chambers shall be certified by the Director and paid by the State Treasurer.

Source: 2A:1-9

COMMENT

The section is substantially identical to its source, 2A:1-9.

2B:6-3. Service of process

a. The sheriff shall be responsible for service, or execution and return of process, orders, warrants and judgments directed to the sheriff, and shall be entitled to the compensation provided for by law and subject to the regulations and penalties pertaining to this service, execution and return.

b. In counties where there are officers of the Special Civil Part of the Law Division of the Superior Court, those officers shall be responsible for any personal service or execution and return of process, orders, warrants and judgments of the Special Civil Part as provided by Court Rule and shall be entitled to the compensation provided by law for so doing. Where no Special Civil Part officers are available, these services shall be performed by the sheriff as provided by subsection (a) of this section. The sheriff shall receive the same compensation for performing these services as is provided by law for Special Civil Part Officers.

Source: 2A:3-22, 2A:3-24, 2A:6-15, 2A:6-25, 2A:6-29

COMMENT

Subsection a. is similar in substance to the source sections, 2A:3-22 and 2A:3-24 which applied to the county court. The persons serving process are now called Sheriff's Officers. See N.J.S. 40A:9-117.6. Subsection b. embodies the principle of the remaining source sections that the primary responsibility for service of process and related functions is borne by the Special Civil Part officers (formerly, constables) where those exist.

2B:6-4. Multi-county vicinage; apportionment of costs

Where a judge of the Law Division or of the Family Part of the Chancery Division is assigned to cases from a vicinage including more than one county, the salary of that judge and of any employee of that judge and any expenses related to that judge shall be apportioned between the counties composing the vicinage in the manner determined by the assignment judge for that vicinage.

Source: 2A:11-10

COMMENT

The section is necessary given county responsibility for costs of parts of a statewide court. The source section, 2A:11-10, deals only with the costs of secretaries, but the problem is broader, and so this section deals with all costs. This new section is in accordance with current practice.

2B:6-5. Expenses incurred by order of Supreme Court

Expenses incurred by order of the Supreme Court in the execution of its duties, the payment of which is not otherwise provided by law, shall be paid by the State Treasurer, from any appropriation available to the Court, when directed by the order of the Court, which order shall be attested by the justice presiding in the Court at the time the order is made.

Source: 2A:1-8

COMMENT

The section is identical to its source, 2A:1-8.

CHAPTER 7 - REPORTING OF COURT PROCEEDINGS

2B:7-1. Reporting of court proceedings; court reporters

a. The Supreme Court shall provide for the reporting of all proceedings in the Superior Court and any other proceedings it directs by the use of court reporters or any other means it directs. Court reporters shall be appointed by the Administrative Director of the Courts.

b. Except as provided by N.J.S. 2B:7-3, official court reporters appointed shall be certified shorthand reporters holding certificates issued by the State Board of Shorthand Reporting.

Source: 2A:11-11, 2A:11-12

COMMENT

Subsection a. of this section is based on language in 2A:11-11, but has been broadened to reflect the long-standing practice that some proceedings are recorded stenographically and some by tape recording equipment. Subsection b. is substantially similar to the relevant portion of 2A:11-11, except that the section reflects practice that appointments are made by the Administrative Director. Subsection c. is a substantial reenactment of 2A:11-12.

2B:7-2. Assignment; designation of supervisors

a. A reporter shall be assigned by the Administrative Director of the Courts with the approval of the Chief Justice, to report proceedings as the Supreme Court may direct. Such an assignment may be changed from time to time as occasion may require.

b. With the approval of the Chief Justice, the Director may designate, from among the reporters, supervisors and assistant supervisors for specified districts as may be necessary in maintaining efficient reporting service, and particularly in arranging, subject to the control of the Director, for the temporary transfer of one or more reporters to meet special requirements in any court or part thereof, and in employing and assigning reporters for temporary service either on a full-time or part-time basis. A reporter designated as a supervisor or

assistant supervisor shall perform these services in addition to regular duties, and for these additional services, shall be compensated in an amount fixed by the Supreme Court, which amount shall be added to and become part of the reporter's annual salary and paid as such.

Source: 2A:11-13

COMMENT

The section is a substantial reenactment of its source, 2A:11-13.

2B:7-3. Temporary service

The Administrative Director of the Courts may appoint and assign reporters for temporary service on a full-time or part-time basis, not to exceed 6 consecutive months at any one time, whenever the need may appear. These temporary appointments shall be subject to the approval of the Chief Justice. If a certified shorthand reporter, as defined by law, is not available for such purpose, then a reporter otherwise qualified may be so appointed until a certified shorthand reporter is available.

Source: 2A:11-14

COMMENT

The section is a substantial reenactment of its source, 2A:11-14, but the term of a temporary appointment has been lengthened to 6 months for administrative convenience.

2B:7-4. Transcript; fees

a. When a transcript of a stenographic record or other recording in any court or in any other proceeding recorded at the direction of the Supreme Court is made, at the request of any person, the original and copies thereof shall be prepared in the manner prescribed by Administrative Office of the Courts regulations and paid for at the rate of \$1.50 for each page of the original and \$0.50 for each of the copies. If the transcript is furnished to a judge of the court, by court order, the reporter shall be paid at the same rates, and in the same manner and from the same sources as the reporter's salary or per diem fees are paid.

b. Except as to transcripts that are to be paid for by the State or county, the person preparing the transcripts may require any person requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

Source: 2A:11-15

COMMENT

The section is substantially similar to 2A:11-15, but contains a few changes. First, the section provides that the same fees for transcripts shall apply whether the recordation was done stenographically or by tape recording equipment. Second, the rate for transcript is expressed in terms of pages rather than folios. While "folio" is a defined term, R.S. 1:1-2, a folio of transcript seldom contains the 100 words required by the definition. In practice, transcript is priced by the page, and the charge, if expressed in terms of folios, is based on a conversion of 2 1/2 folios equalling one page. The real definition of a page is not in terms of the exact number of words on it, but in that it contains the number of lines per page, characters per line, and arrangement of text specified by the Administrative Office of the Courts in its regulations. The last change introduced by the proposed section is the explicit provision for those regulations.

It should be noted that this section deals only with the cost of transcript purchased from reporters and transcribers. The cost of copies of public records is controlled by C. 47:1A-2. In addition, the courts have authority to control the cost of records needed for litigation.

2B:7-5. Employment of court reporters

a. Except as provided in this section, court reporters appointed to serve on a full-time basis pursuant to this chapter shall receive an annual salary to be fixed from time to time by the Supreme Court.

b. In lieu of an annual salary, a reporter employed on a part-time or temporary basis as provided in this chapter may be paid such a per diem fee rate as may be fixed from time to time by the Supreme Court. Such per diem fees shall be paid by the State upon certification of the Administrative Director of the Courts.

c. In addition to salary or per diem fees, a reporter may, upon the certification of the Director, be reimbursed for necessary travel and other expenses when assigned to serve in a county other than the one in which the reporter resides.

d. Each county shall pay annually to the State Treasurer, in equal quarterly installments, as its share of reporter expenses for the State fiscal year an amount equal to the net cost to such county for such expenses for each preceding fiscal year. Such net cost shall include only the amount paid for salaries and expenses of court reporters in the fiscal year ending June 30, 1948, transcripts furnished to a judge pursuant to N.J.S. 2B:7-4 and employer's contribution to the Public Employees' Retirement System and social security paid in the fiscal year ending June 30, 1967, which net cost shall be certified by the Director.

e. Every reporter shall be entitled to retain the fees collected for transcripts. All transcript supplies and equipment shall be furnished by the reporter at his or her own expense.

f. Reporters appointed to serve on a full-time basis shall be deemed to be State employees eligible for membership in the Public Employees' Retirement System; except, however, that reporters who prior to July 1, 1966,

were members of any county employees' retirement system pursuant to P.L.1943, c.160 (C. 43:10-18.1, 43:10-18.25) shall continue therein as county employees for the purposes of that enactment.

Source: 2A:11-16

COMMENT

The section is a substantial reenactment subsections a., c., e., f., and g. of 2A:11-16. Subsection b. of the source section was deleted as no longer necessary. Subsection d. was rewritten to reflect the interpretation of the source subsection following an opinion of the Attorney General dated May 9, 1978.

2B:7-6. Records and reports

The Administrative Director of the Courts, subject to the approval of the Chief Justice, shall prescribe records which shall be maintained and reports to be filed by the reporter. These records shall be open to inspection by the Supreme Court, the Chief Justice and the Director, and may include records showing (1) the quantity of transcripts prepared, (2) the fees charged and the fees collected for transcripts, (3) any expenses incurred by the reporter in connection with transcripts, (4) the amount of time the reporter is in attendance upon the court for the purpose of recording proceedings, and (5) other information as the Director may determine.

Source: 2A:11-17

COMMENT

The section is a substantial reenactment of subsection b. of 2A:11-17; subsection a. of that source section was deleted as unnecessary.

CHAPTER 8 - INTERPRETERS AND TRANSLATORS

2B:8-1. INTERPRETERS (Option A)

Each county shall provide interpreting services necessary for cases from that county in the Law Division and the Family Part of the Chancery Division. A county may provide interpreting services through the use of persons hired for that purpose. If interpreters are employed, they shall be appointed and shall perform their duties in the manner established by the Chief Justice, and shall

serve at the pleasure of the appointing authority. For the purpose of determining their compensation, these employees shall be considered county employees.

Source: 2A:11-28 to 30

COMMENT

The form of this section is significantly different from that of its sources. While those sections provide for the employment of particular types of interpreters in particular classes of counties, this section gives general authority to hire those interpreters needed. Following the pattern of proposed §§2B:5-1 and 5-2, this section makes explicit provision for the administrative relation of these employees to the courts and for the division of costs between the State and the counties. See the Comments to those sections.

2B:8-1. INTERPRETERS AND TRANSLATORS (Option B)

a. To assist in the performance of its duties as provided in [*the bill now pending as A2089 of the 1988 term*], the Administrative Office of the Courts may employ qualified interpreters and translators.

b. An interpreter or translator employed on a full-time basis shall receive an annual salary to be fixed from time to time by the Supreme Court. An interpreter or translator employed on a part-time or temporary basis may be paid a per diem fee rate as may be fixed from time to time by the Supreme Court.

c. An interpreter or translator shall be assigned as appropriate by the Administrative Director of the Courts with the approval of the Chief Justice. These assignments may be changed from time to time as required.

d. The salaries, fees and related expenses of interpreters and translators, whether for interpreters and translators employed by the Administrative Office of the Courts or appointed in any proceeding of any court, surrogate, arm of the judiciary, court support service, or court ordered evaluation or examination, shall be paid by the Administrative Office of the Courts.

COMMENT

While this section is new, it replaces a number of current provisions on court translators. See, N.J.S. 2A:11-28 to 30. The section was drafted to reflect new comprehensive provisions on interpreting services now pending in the Legislature as A2089 of the 1988 term. That bill would place the responsibility for the provision of interpreting services for all courts, including municipal courts, and for all agencies of the judiciary on the Administrative Office of the Courts. See §19 of A2089. Most of these services would be provided as they are now by full-time interpreters. The interpreting service would be organized in roughly the same manner as the court-reporting service now is. While A2089 seems to contemplate such an approach, see §§12(b), 14, and 15, it lacks a specific provision for it. As a result it seemed appropriate to draft the provisions found in subsections (a), (b), and (c) of the proposed section. These subsections are based on the provisions relating to court reporters.

Subsection (d) was added to codify the legislative intent that the cost of all interpreting services be borne by the State rather than by the counties and municipalities. An explicit provision for reimbursement of local governments for the costs incurred in connection with administrative agencies is found in §12(c) of A2089. Unfortunately, the parallel provision on the courts is less

explicit and might not be clear unless read in connection with the appropriation section, §19. In keeping with the policy of providing clear rules for the division of costs, it seemed desirable to add subsection (d) of the proposed section.

CHAPTER 9 - ABOLITION OF COURTS AND TRANSFER OF CASES

2B:9-1. Effect of abolition of particular courts

a. Where any court has been or is abolished:

1. Its property shall be the property of the court succeeding to its jurisdiction;

2. Its pending cases shall be cases of the court succeeding to its jurisdiction and thereafter shall be treated in the same manner as if originally brought in the court to which they are transferred;

3. Its records shall be disposed of in the manner determined by the Supreme Court.

b. A judgment of a court which has been abolished may be enforced in the court to which its jurisdiction has been transferred, but no abolition of any court or transfer to another court shall change the effect of a judgment of that court in any way.

c. No abolition of any court or any transfer of operations, management, or recordkeeping duties shall affect the position, title, compensation or rights under applicable Civil Service laws of any employee of the courts or of any other government employee whose position included performance of work for the courts. To the extent compatible with efficient administration of the courts, employees who performed work for abolished courts shall be transferred to perform equivalent functions in existing courts.

d. Any reference in a statute, ordinance or regulation to a court which has been abolished shall be given effect as if the reference were to the court to which the jurisdiction of the abolished court has been transferred.

Source: 2A:2-16, 2A:2-17, 2A:2-18, 2A:4-3b, 2A:4-3c, 2A:4-3d, 2A:6-1a, 2A:6-3.7, 2A:11-57, 2A:11-58

COMMENT

In the past, separate transfer sections were enacted on the abolition of each particular court. The sets of these transfer provisions were not usually as complete as the proposed section, and each was slightly different. These particular transfer provisions remained codified in the statutes long after they served any purpose.

To prevent this problem and to provide for the implications of the abolition of past and future courts, the proposed provision attempts to codify all of the implications of the abolition of a court. The basic rule is that cases, property, judgments and references pertaining to an abolished court should be transferred to the court succeeding that court's jurisdiction; the records of the abolished court should be dealt with as determined by the Supreme Court, and no employee who performed work for an abolished court should be affected in any substantial way by that abolition. Pursuant to C.47:3-17 to 20, an order providing for destruction of records would involve the Bureau of Archives and Records Preservation.

STATUTES TO BE COMPILED SEPARATELY

2A:8-24.1. Municipal housing courts [AMENDED SECTION]

Municipal housing courts in municipalities in counties of the first class that have established full-time municipal housing courts shall have exclusive jurisdiction over actions for eviction involving property in those municipalities transferred to the municipal housing court by the special civil part of the Superior Court [pursuant to the provisions of subsection b. of N.J.S. 2A:6-34;] and shall have concurrent jurisdiction to appoint receivers pursuant to section 6 of P.L.1966, c. 168 (C. 2A:42-79) and to enforce the provisions of P.L.1971, c. 224 (C. 2A:42-85 et seq.).

COMMENT

The proposed amendment removes the reference to N.J.S. 2A:6-34. Almost all of the relevant part of that section duplicates the content of this section. The one provision in N.J.S. 2A:6-34 which might be considered not fairly implied by this section is that which is proposed as an addition to this section.

2A:4A- . Court intake service [RECOMPILED SECTION]

There shall be established in each county a court intake service, which shall have among its responsibilities the screening of juvenile delinquency complaints and juvenile-family crisis referrals. The intake service shall operate in compliance with standards established by the Supreme Court, but in no instance shall the standards for personnel employed as counselors hired after the effective date of this act be less than a master's degree from an accredited institution in mental health or social or behavioral science discipline including degrees in social work, counseling, counseling psychology, mental health counseling or education. Equivalent experience is acceptable when it consists of a minimum of an associate's degree with a concentration in one of the behavioral sciences and a minimum of five years' experience working with troubled youth and their families or a bachelor's degree in one of the behavioral sciences and two years' experience working with troubled youth and their families. Intake personnel should also receive training in drug and alcohol abuse.

Source: 2A:2-20b.

COMMENT

The section is identical to the source subsection. It should be compiled within Title 2A, Chapter 4A to which it relates.

22A: Filing fees in Family Part [NEW SECTION]

No filing fees shall be imposed for any action in the Superior Court, Chancery Division, Family Part, except for actions for divorce, separate maintenance, annulment, and adoption.

Source: 2A:4-3e

COMMENT

This section embodies the substance of the relevant part of 2A:4-3e. The Commission proposes it as an amendment to Title 22A - Fees.

ALTERNATE PROVISIONS ASSUMING STATE TAKEOVER OF COSTS

2B:2-5. Responsibility for salaries

The State shall be responsible for the cost of the salaries of the justices of the Supreme Court, judges of the Superior Court and judges of the Tax Court.

Source: 2A:2-1.3

COMMENT

This version of 2B:2-5 together with the versions of 2B:5-1, 5-2, 6-1, and 7-5 which follow were drafted in light of current proposals which would place the financial responsibility for the courts on the State. These sections provide that the State pay all costs of the court system. The only county responsibility would be to provide courtrooms, chambers and other necessary space for the Law Division and for the Family Part of the Chancery Division of the Superior Court. See 2B:6-1(c). The Commission does not believe that it is appropriate to take a position as to whether the counties should be responsible for any part of the cost of the court system. For this reason, it presents these two sets of provisions in the alternative.

2B:5-1. Secretarial and legal staff of justices and judges

The State shall be responsible for the cost of secretarial and legal staff employees appointed by justices of the Supreme Court and judges of the Superior Court. Compensation of these employees shall be in accordance with Title 11A, Civil Service, of the New Jersey Statutes, but these employees shall serve at the pleasure of the judge.

Source: 2A:11-6, 2A:11-7, 2A:11-8

2B:5-2. Administrative staff for Superior Court

The State shall be responsible for the cost of employees necessary for the operation, management and recordkeeping of the Superior Court. These employees shall be appointed and perform their duties in the manner provided by the Chief Justice. Compensation of these employees shall be in accordance

with Title 11A, Civil Service, of the New Jersey Statutes, but any employees performing other than clerical functions shall serve at the pleasure of the appointing authority.

Source: 2A:11-10, 2A:11-31, 2A:4-41

2B:6-1. Courtrooms and equipment; security

a. Necessary equipment and supplies for the Superior Court shall be provided at the expense of the state by the Administrative Director of the Courts in cooperation with the Director of the Division of Purchase and Property in the Department of Treasury.

b. Suitable courtrooms, chambers and offices shall be provided for the Supreme Court, Appellate Division of the Superior Court and the Chancery Division, other than the Family Part of the Chancery Division of the Superior Court, at the expense of the State by the Administrative Director of the Courts in cooperation with the Department of Treasury. Such courtrooms and chambers shall be located in a courthouse or other public building so far as practicable.

c. Each county shall provide suitable courtrooms, chambers and offices necessary for the processing and decision of cases from that county in the Law Division and the Family Part of the Chancery Division.

d. A flag of the United States shall be displayed in an appropriate place in each courtroom during all sessions of court.

e. The sheriff of each county shall provide for security for the Law and Chancery Divisions of the Superior Court sitting in that county in the manner established by the assignment judge in that county.

Source: 2A:3-22, 2A:3-24, 2A:4-41, 2A:11-3, 2A:11-4

2B:7-5. Employment of court reporters

a. Except as provided in this section, court reporters appointed to serve on a full-time basis pursuant to this chapter shall receive an annual salary to be fixed from time to time by the Supreme Court.

b. In lieu of an annual salary, a reporter employed on a part-time or temporary basis as provided in this chapter may be paid such a per diem fee rate as may be fixed from time to time by the Supreme Court. Such per diem fees shall be paid by the State upon certification of the Administrative Director of the Courts.

c. In addition to salary or per diem fees, a reporter may, upon the certification of the Director, be reimbursed for necessary travel and other expenses when assigned to serve in a county other than the one in which the reporter resides.

d. Every reporter shall be entitled to retain the fees collected for transcripts. All transcript supplies and equipment shall be furnished by the reporter at his or her own expense.

e. Reporters appointed to serve on a full-time basis shall be deemed to be State employees eligible for membership in the Public Employees' Retirement System; except, however, that reporters who prior to July 1, 1966, were members of any county employees' retirement system pursuant to P.L.1943, c.160 (C. 43:10-18.1, 43:10-18.25) shall continue therein as county employees for the purposes of that enactment.

Source: 2A:11-16

TABLE OF DISPOSITIONS

| <u>Sec.</u> | <u>Disp.</u> | <u>Comments</u> |
|---------------|--|--|
| 2A:1-1 | deleted | Superseded by 2A:1A-6; continued as 2B:2-4 |
| 2A:1-2 | 2B:3-1a | Substantial reenactment |
| 2A:1-3 | deleted | See note on this section |
| 2A:1-4 | 2B:3-2a | Substantial reenactment |
| 2A:1-5 | deleted | See note on this section |
| 2A:1-6 | 2B:3-1 | Substantial reenactment |
| 2A:1-7 | deleted | See note on this section |
| 2A:1-8 | 2B:6-5 | Substantial reenactment |
| 2A:1-9 | 2B:6-2 | Substantial reenactment |
| 2A:1-10 | 2B:4-1a | Substantial reenactment |
| 2A:1-11 | 2B:4-1b | Substantial reenactment |
| 2A:1-12 | 2B:1-3 | Substantial reenactment |
| 2A:1A-6 | 2B:2-4 | Substantial reenactment |
| 2A:1A-7 | deleted | See note on this section |
| 2A:1A-8 | deleted | See note on this section |
| 2A:1B-1 to 11 | continued | No recommendation is made as to this chapter |
| 2A:2-1 | 2B:2-1 | Substantial reenactment |
| 2A:2-1.1 | deleted | See note on this section. |
| 2A:2-1.2 | deleted | See note to 2A:2-1.1, Judicial Vacancies |
| 2A:2-1.3 | 2B:2-5 | Substantial reenactment of subsection b.; other subsections have no continuing effect |
| 2A:2-2 | deleted | See note to 2A:1-7, Standing Masters |
| 2A:2-3 | 2B:3-1b | Substantial reenactment |
| 2A:2-4 | deleted | See note to 2A:1-3, Bonds |
| 2A:2-5 | 2B:3-2 | Substantial reenactment |
| 2A:2-6 | deleted | See note to 2A:1-5 |
| 2A:2-7 | 2B:3-1b and c | Substantial reenactment |
| 2A:2-8 | 2B:5-3 | Substantial reenactment |
| 2A:2-9 | 2B:3-4 | Substantial reenactment |
| 2A:2-10 | deleted | Subsumed in 2B:3-3 |
| 2A:2-11 | 2B:3-3 | Substantial reenactment |
| 2A:2-12 | deleted | See note on this section |
| 2A:2-13 | deleted | Unnecessary; controlled by Court Rules 3:14 and 4:3 |
| 2A:2-14 | 2B:9-1b | Generalized |
| 2A:2-15 | deleted | Unnecessary; see 2B:9-1 |
| 2A:2-16 | 2B:9-1a3 | Generalized |
| 2A:2-17 | 2B:9-1a2 | Generalized |
| 2A:2-18 | 2B:9-1a2 | Generalized |
| 2A:2-19 | deleted | Specific provision unnecessary; see note to 2A:2-12 |
| 2A:2-20 | New section to be compiled in Chapter 4A (statutes relating to Family Part) of Title 2A | Subsection b. substantially reenacted; subsection a. deleted as unnecessary |
| 2A:3-1 | deleted | Unnecessary; specific to county court |
| 2A:3-2 | deleted | Unnecessary; specific to county court; the role of surrogates is provided by <u>N.J. Const.</u> , Art. 11, §6 |
| 2A:3-3 | deleted | See note on this section |
| 2A:3-4 | deleted | See note to 2A:3-3, Jurisdiction |

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|-------------------------------|---|---|
| 2A:3-5 | deleted | See note to 2A:3-3, Jurisdiction |
| 2A:3-6 | deleted | See note to 2A:3-3, Jurisdiction |
| 2A:3-7 | 2B:2-2 | Generalized |
| 2A:3-8 | deleted | See note on this section |
| 2A:3-9 | deleted | Unnecessary; specific to county court |
| 2A:3-10 | deleted | Unnecessary; specific to county court |
| 2A:3-11 | deleted | Unnecessary; specific to county court |
| 2A:3-12 | deleted | Unnecessary; specific to county court |
| 2A:3-13.5 | 2B:9-1c | Generalized |
| 2A:3-13.11 | 2B:9-1c | Generalized |
| 2A:3-14 | deleted | Unnecessary; specific to county court |
| 2A:3-15 | deleted | Unnecessary; specific to county court |
| 2A:3-16 | deleted | Unnecessary; specific to county court |
| 2A:3-17 | deleted | Superseded by 2A:1A-6, continued as 2B:2-4 |
| 2A:3-18 | deleted | Superseded by 2A:1A-6, continued as 2B:2-4 |
| 2A:3-18.1 | deleted | Superseded by 2A:1A-6, continued as 2B:2-4 |
| 2A:3-18.2 | deleted | Superseded by 2A:1A-6, continued as 2B:2-4 |
| 2A:3-18.3 | deleted | Superseded by 2A:1A-6, continued as 2B:2-4 |
| 2A:3-19 | deleted | Unnecessary; specific to county court |
| 2A:3-19.1 | deleted | Unnecessary; specific to county court |
| 2A:3-20 | deleted | Unnecessary; specific to county court |
| 2A:3-21 | deleted | Unnecessary; specific to county court |
| 2A:3-21.1 | deleted | Unnecessary; specific to county court |
| 2A:3-22 | 2B:6-3a | Substantial reenactment; see also <u>N.J.S.</u> 40A:9-117.6 |
| 2A:3-23 | deleted | Unnecessary; see <u>N.J.S.</u> 40A:9-117.6 |
| 2A:3-24 | 2B:6-3a | Substantial reenactment |
| 2A:3-25 | deleted | Unnecessary; specific to county court |
| 2A:3-26 | deleted | Unnecessary; specific to county court; see also note to 2A:2-12 |
| 2A:3-27 | deleted | Unnecessary; see 2A:61-3 |
| 2A:3A-1 to 29 | continued | No recommendation is made as to this chapter |
| 2A:4-3a | deleted | Unnecessary; see also note to 2B:9-1 |
| 2A:4-3b | deleted | Unnecessary; see <u>N.J. Const.</u> , Art. 6, §6, ¶1; see also 2B:9-1a as to references to abolished courts. |
| 2A:4-3c | 2B:9-1a | Generalized; see comment to 2B:9-1 |
| 2A:4-3d | 2B:9-1d | Substantial reenactment |
| 2A:4-3e | New section to be compiled in Title 22A | See dispositions of sections preserved temporarily. Last clause substantially reenacted. See also note on 2A:3-3, Jurisdiction. |
| 2A:4-10 | 2B:5-1b and 5-2b | Generalized |
| 2A:4-11 | deleted | Unnecessary; specific to Juvenile and Domestic Relations Court |
| 2A:4-30.24 through 2A:4-30.64 | continued | No recommendation is made in regard to these sections |
| 2A:4-41 | 2A:5-1, 5-2, 6-1a | See comment to 2B:5-1 |
| 2A:4-68 | deleted | Compilation of repealer unnecessary |
| 2A:4A-20 to 91 | continued | No recommendation is made in regard to this chapter |
| 2A:5-1 to 25 | continued | No recommendation is made in regard to this chapter |
| 2A:6-1 | deleted | Unnecessary; specific to district court |

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| 2A:6-1a | 2B:9-1 | See also dispositions of sections preserved temporarily |
| 2A:6-2 | deleted | Unnecessary; specific to district court |
| 2A:6-3 | deleted | Unnecessary; specific to district court |
| 2A:6-3.7 | 2B:9-1c | Generalized |
| 2A:6-4 | deleted | Unnecessary; specific to district court |
| 2A:6-5 | deleted | Unnecessary; specific to district court |
| 2A:6-6 | deleted | Unnecessary; specific to district court |
| 2A:6-7 | 2B:1-1 | Generalized |
| 2A:6-8 | deleted | Unnecessary; specific to district court |
| 2A:6-8.1 | deleted | Unnecessary; specific to district court |
| 2A:6-9 | deleted | Unnecessary; specific to district court |
| 2A:6-10 | deleted | Unnecessary; specific to district court |
| 2A:6-11 | 2B:2-2 | Generalized as to power to assign judges. Other provisions unnecessary; specific to district court |
| 2A:6-12 | deleted | Unnecessary; specific to district court |
| 2A:6-13 | deleted | Unnecessary; specific to district court |
| 2A:6-15 | 2B:6-3b | Duties of special civil part officers and existing positions preserved by two recommended sections |
| 2A:6-16 | 2B:9-1c | Existing positions preserved |
| 2A:6-17 | deleted | Unnecessary; specific to district court |
| 2A:6-18 | deleted | Unnecessary; specific to district court |
| 2A:6-19 | deleted | See note to 2A:1-3, Bonds |
| 2A:6-20 | 2B:3-2b | Generalized |
| 2A:6-21 | deleted | Unnecessary; specific to district court |
| 2A:6-22 | deleted | Unnecessary; specific to district court |
| 2A:6-23 | deleted | Unnecessary; specific to district court, but see 2B:9-1c |
| 2A:6-24 | deleted | Unnecessary; specific to district court |
| 2A:6-25 | deleted | Unnecessary; specific to district court, but see 2B:9-1c |
| 2A:6-26 | deleted | Unnecessary; specific to district court, but see 2B:9-1c |
| 2A:6-27 | deleted | Unnecessary; specific to district court |
| 2A:6-28 | deleted | Unnecessary; specific to district court, but see 2B:9-1c |
| 2A:6-29 | 2B:6-3b | Substantial reenactment |
| 2A:6-30 | deleted | Unnecessary; specific to district court |
| 2A:6-31 | 2B:6-1b | Generalized |
| 2A:6-31.1 | deleted | Unnecessary; specific to district court |
| 2A:6-32 | deleted | Unnecessary; specific to district court |
| 2A:6-33 | deleted | Unnecessary; specific to district court |
| 2A:6-33.1 | deleted | Unnecessary; specific to district court |
| 2A:6-34 | deleted | See note on this section |
| 2A:6-34.1 | deleted | See note to 2A:6-34, Special Civil Part |
| 2A:6-35 | deleted | See note to 2A:6-34, Special Civil Part |
| 2A:6-36 | deleted | See note to 2A:6-34, Special Civil Part |
| 2A:6-37 | deleted | Unnecessary; see note on 2A:3-3, Jurisdiction |
| 2A:6-38 | deleted | Unnecessary; specific to district court |
| 2A:6-39 | deleted | Conflicts with <u>N.J.S. 2C:46-4b</u> which appears to control |
| 2A:6-40 | deleted | Unnecessary; specific to district court |
| 2A:6-41 | deleted | See note to 2A:6-34, Special Civil Part |
| 2A:6-42 | deleted | Unnecessary; specific to district court |

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|--------------|------------------------|--|
| 2A:6-43 | deleted | See note to 2A:6-34, Special Civil Part |
| 2A:6-44 | deleted | See note to 2A:6-34, Special Civil Part |
| 2A:6-45 | 2B:1-2 | Generalized |
| 2A:6-46 | 2B:1-2 | Generalized |
| 2A:10-1 to 8 | Continued | No recommendation is made in regard to this chapter |
| 2A:11-1 | 2B:1-1 | Substantial reenactment |
| 2A:11-2 | 2B:2-3 | Substantial reenactment |
| 2A:11-3 | 2B:6-1c | Substantial reenactment |
| 2A:11-4 | 2B:6-1a and b | Substantial reenactment |
| 2A:11-5 | deleted | Unnecessary; see note on 2A:3-3, Jurisdiction |
| 2A:11-5.1 | deleted | See note on this section |
| 2A:11-5.2 | deleted | See note to 2A:11-5.1, Reimbursement for Cases |
| 2A:11-6 | 2B:4-3 | Substantial reenactment |
| 2A:11-7 | 2B:4-3 | Substantial reenactment |
| 2A:11-8 | deleted | See 2B:4-3 |
| 2A:11-9 | deleted | See 2B:4-3 |
| 2A:11-10 | 2B:4-3 2B:6-4 | Salary provision subsumed into more general 2B:4-3; apportionment of costs provision generalized as 2B:6-4 |
| 2A:11-10.1 | deleted | Unnecessary; no continuing effect |
| 2A:11-11 | 2B:7-1 a and b | Substantial reenactment |
| 2A:11-12 | 2B:7-1c | Certificate requirement substantially reenacted; oath provision deleted as unnecessary. |
| 2A:11-13 | 2B:7-2 | Substantial reenactment |
| 2A:11-14 | 2B:7-3 | Substantial reenactment |
| 2A:11-15 | 2B:7-4 | Substantial reenactment |
| 2A:11-16 | 2B:7-5 | Substantial reenactment |
| 2A:11-17 | 2B:7-6 | Subsection a. deleted as subsumed in 2B:5-2; subsection b. substantially reenacted |
| 2A:11-19 | deleted | Unnecessary, general authority is provided by 2B:4-2 and 4-3. <u>See also N.J.S. 40A:9-117.6</u> |
| 2A:11-20 | deleted | See 2B:6-1d and 2B:9-1c |
| 2A:11-21 | deleted | See 2B:4-3 |
| 2A:11-22 | deleted | See 2B:4-3 |
| 2A:11-23 | deleted | See 2B:4-3 |
| 2A:11-24 | deleted | See 2B:4-3 |
| 2A:11-25 | deleted | See 2B:4-3 |
| 2A:11-26 | deleted | See 2B:4-3 |
| 2A:11-27 | deleted | See 2B:4-3 |
| 2A:11-28 | 2B:8-1 et seq., 2B:4-2 | Generalized |
| 2A:11-29 | 2B:8-1 et seq., 2B:4-2 | Generalized |
| 2A:11-30 | 2B:8-1 et seq., 2B:4-2 | Generalized |
| 2A:11-31 | 2B:4-2 | Substantial reenactment |
| 2A:11-32 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-33 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-34 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-35 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-36 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-36.1 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-36.2 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-36.3 | deleted | Superseded by <u>N.J.S. 40A:9-117.6</u> |
| 2A:11-37 | deleted | See 2B:5-2 |
| 2A:11-38 | deleted | See 2B:6-1d |

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| 2A:11-45 | deleted | Superseded by <u>N.J.S.</u> 40A:9-117.6 |
| 2A:11-46 | deleted | Superseded by <u>N.J.S.</u> 40A:9-117.6 |
| 2A:11-47 | deleted | Superseded by <u>N.J.S.</u> 40A:9-117.6 |
| 2A:11-48 | 2B:1-2 | Generalized |
| 2A:11-50 | 2B:1-2 | Generalized |
| 2A:11-51 | 2B:1-2 | Generalized |
| 2A:11-52 | deleted | Unnecessary, see <u>N.J. Evid.R.</u> 63(17) |
| 2A:11-53 | 2B:1-2 | Generalized |
| 2A:11-53.1 | 2B:1-2 | Generalized |
| | 2B:9-1a3 | |
| 2A:11-53.2 | 2B:1-2 | Generalized |
| | 2B:9-1a3 | |
| 2A:11-53.3 | 2B:1-2 | Generalized |
| 2A:11-55 | deleted | Unnecessary, see <u>N.J. Evid. R.</u> 63(17) |
| 2A:11-56 | 2B:9-1a | Generalized |
| 2A:11-57 | 2B:9-1a | Generalized |
| 2A:11-58 | 2B:9-1a | Generalized |

NOTES

2A:1-3 Bonds

The statutes require the bonding of a number of court officials. However, bonds are not purchased for any of those officials. Instead, the State now purchases a general insurance policy covering whole classes of employees. In light of this change, these sections appear to serve no purpose and the Commission recommends their deletion.

2A:1-5 Acting Clerks

This section and 2A:2-6 allow the designation of persons to exercise the duties of the Clerk of the Supreme Court and of Clerk of the Superior Court in the clerk's absence. With the statutory establishment of offices of deputy clerk (see, e.g., 2A:1-6 continued as 2B:3-1a), these sections lose function. The Commission recommends their deletion.

2A:1-7 Standing Masters

This section and 2A:2-2 provide for the appointment of standing masters. At present, there are no standing masters of either the Supreme Court or the Superior Court. If it becomes desirable to reestablish these offices in the future, the general power found in proposed 2B:4-2 (now 2A:11-31) will provide authority to do so. As a result, 2A:1-7 and 2A:2-2 are unnecessary and the Commission recommends their deletion.

2A:1A-7

This section provides for the unclassified Civil Service titles of Administrative Director of the Courts and the Standing Master of the Supreme Court. The Administrative Director is provided for in Art. 6, §7, ¶1 of the Constitution and by N.J.S. 2A:12-1. At present, there is no Standing Master. See note to 2A:1-7, Standing Masters. As a result, this section is unnecessary and the Commission recommends its deletion.

2A:1A-8

This section was held unconstitutional in Vreeland v. Byrne, 72 N.J. 292 (1977). The Commission recommends its deletion.

2A:2-1.1 Judicial Vacancies

Two sections provide mechanisms for notification to the legislature of judicial vacancies. The part of N.J.S. 2A:2-1.1 requires the Governor to specify with each judicial nomination the particular vacancy which the nomination would fill. N.J.S. 2A:2-1.2 with permanent effect requires notification by the Administrative Office of the Courts at the time that a vacancy occurs.

The theory of both notification provisions is that there is a residence or service restriction applicable to particular judgeships rather than a requirement that a particular number of judges, whoever they may be at a particular time, must satisfy the requirements. That theory is open to question. See N.J. Const. Art. 6, §3, ¶1 and ¶3.

Given the controversial nature of the issue, the Commission has decided to delete the notice requirements. This decision recognizes that the Legislature is able to require, on an informal basis, any information which it deems necessary to the fulfillment of its role in judicial selection. Continuation of an informal accommodation among the branches of government seems a more appropriate solution to this problem than enactment of statutory notice requirements.

2A:2-12 Clerk's Records

This section requires the maintenance of particular docket books by the Clerk of the Superior Court. It is clear that the Supreme Court has the authority to specify the kinds of records which must be kept by clerk's offices, as well as the form of those records. See, e.g., N.J. Const., Art. 6, §6, ¶17, as well as proposed 2B:1-2. It seems unwise to mandate particular records by statute. The Commission recommends the deletion of this section.

2A:3-3 Jurisdiction

At present, there are many sections like 2A:3-3 granting jurisdiction over particular classes of cases to particular courts. These sections served a purpose in regard to the County Courts, since their jurisdiction could be affected by law. See N.J. Const., Art. 6, §4, ¶1 (repealed Nov. 7, 1978). The jurisdictional sections also served an important function in regard to courts of limited jurisdiction such as the district courts, which have only the jurisdiction granted by statute. N.J. Const., Art. 6, §1, ¶1.

Statutes granting jurisdiction to the Superior Court, however, are not necessary. The Superior Court has general jurisdiction in all causes. N.J. Const., Art. 6, §3, ¶2. The allocation of classes of cases to the various divisions and parts of the Superior Court is done by Supreme Court Rule and is not subject to statute. N.J. Const., Art. 6, §3, ¶3.

For that reason, the Commission recommends deletion of sections granting subject-matter jurisdiction to the Superior Court or to its divisions. Any references to the division or part of the Superior Court having cognizance of a kind of particular action have been included only in the interest of clarity.

2A:3-8

This section provides for the Board of Chosen Freeholders to make appointments where the judges of the County Courts are empowered but fail to make the appointment. The successors to the judges of the County Courts for this purpose are the Assignment Judges of the Superior Court. N.J.S. 2A:4-3d. Any such appointments would now seem to be within the judicial system and appointment by the Boards of Chosen Freeholders would seem inappropriate. The Commission recommends deletion of this section.

2A:6-34 Special Civil Part

Sections 2A:6-32, 2A:6-34.1, 2A:6-35, 2A:6-36, 2A:6-43 and 2A:6-44 provide for the ordinary civil jurisdiction and the small claims jurisdiction of the former County District Courts. That jurisdiction is now exercised by the Special Civil Part of the Superior Court, Law Division. Pressler, Current Court Rules, Part VI, "Rules Governing Practice in the County District Court." These sections are no longer necessary as grants of jurisdiction. See note to

2A:3-3, Jurisdiction. Whether the Special Civil Part continues to exist at all and the kinds of cases cognizable in it are matters left to Court Rule. N.J. Const., Art. 6, §3, ¶3.

While cases in the Special Civil Part are subject to the special provisions regarding fees and the effect of judgments which were formerly applicable to the District Courts, the appropriate method of providing for that applicability is by correcting the references in the relevant sections. See also the amendment proposed to N.J.S. 2A:8-24.1.

2A:11-5.1 Reimbursement for Cases

N.J.S. 2A:11-5.1 and 5.2 provide a mechanism for reimbursement by one county to another for the costs resulting from the wholesale transfer of cases from one county to another. However, those sections provide a fixed price per case which is unrelated to the actual costs involved. These sections seem never to have been used. If, in the future, it is necessary because of backlogs to transfer cases from one county to another, there is ample authority for the Court to order payment within the guidelines of 2B:5-2 and 6-1. As a result, there seems no need to continue 2A:11-5.1 and 5.2.

Respectfully submitted,

ALBERT BURSTEIN, Chairman
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