

10:5-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 10:5-5, 10:5-4.1

(Physically handicapped--discrimination)

LAWS OF: 1972

CHAPTER: 114

Bill No: S486

Sponsor(s): Giuliano and other

Date Introduced: January 31, 1972

Committee: Assembly: Labor Relations

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: May 15, 1972

Senate: April 10, 1972

Date of Approval: August 1, 1972

Following statements are attached if available:

Sponsor statement: No

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

Vertical stamp: RECORDED & INDEXED  
APR 11 1972  
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**SENATE, No. 486**

**STATE OF NEW JERSEY**

INTRODUCED JANUARY 31, 1972

By Senators GIULIANO, WALLWORK, EPSTEIN, THOMAS,  
CAFIERO, HOLLENBECK and MARAZITI

Referred to Committee on Judiciary

AN ACT concerning unlawful discrimination against physically  
handicapped persons and amending and supplementing the "Law  
Against Discrimination," approved April 16, 1945 (P. L. 1945,  
c. 169).

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

1 L. Section 5 of P. L. 1945, c. 169 (C. 10:5-5) is amended to read  
2 as follows:

3 b. As used in this act, unless a different meaning clearly appears  
4 from the context:

5 a. "Person" includes one or more individuals, partnerships, asso-  
6 ciations, organizations, labor organizations, corporations, legal rep-  
7 resentatives, trustees, trustees in bankruptcy, receivers, and fidu-  
8 ciaries.

9 b. "Employment agency" includes any person undertaking to  
10 procure employees or opportunities for others to work.

11 c. "Labor organization" includes any organization which exists  
12 and is constituted for the purpose, in whole or in part, of collective  
13 bargaining, or of dealing with employers concerning grievances,  
14 terms or conditions of employment, or of other mutual aid or  
15 protection in connection with employment.

16 d. "Unlawful employment practice" and "unlawful discrimina-  
17 tion" includes only those unlawful practices and acts specified in  
18 section 11 of this act.

19 e. "Employer" does not include a club exclusively social or a  
20 fraternal, charitable, educational or religious association or corpo-  
21 ration, if such club, association or corporation is not organized and  
22 operated for private profit.

23 f. "Employee" does not include any individual employed by his  
24 parents, spouse or child, or in the domestic service of any person.

25 g. "Liability for service in the Armed Forces of the United  
26 States" means subject to being ordered as an individual or member  
27 of an organized unit into active service in the Armed Forces of the  
28 United States by reason of membership in the National Guard,  
29 naval militia or a reserve component of the Armed Forces of the  
30 United States, or subject to being inducted into such armed forces  
31 through a system of national selective service.

32 h. "Division" means the "Division on Civil Rights" created by  
33 this act.

34 i. "Attorney General" means the Attorney General of the State  
35 of New Jersey or his representative or designee.

36 j. "Commission" means the Commission on Civil Rights created  
37 by this act.

38 k. "Director" means the Director of the Division on Civil  
39 Rights.

40 l. "A place of public accommodation" shall include, but not be  
41 limited to: any tavern, roadhouse, hotel, motel, trailer camp, sum-  
42 mer camp, day camp, or resort camp, whether for entertainment  
43 of transient guests or accommodation of those seeking health, rec-  
44 reation or rest; any producer, manufacturer, wholesaler, distrib-  
45 utor, retail shop, store, establishment, or concession dealing with  
46 goods or services of any kind; any restaurant, eating house, or place  
47 where food is sold for consumption on the premises; any place  
48 maintained for the sale of ice cream, ice and fruit preparations or  
49 their derivatives, soda water or confections, or where any beverages  
50 of any kind are retailed for consumption on the premises; any  
51 garage, any public conveyance operated on land or water, or in the  
52 air, any stations and terminals thereof; any bathhouse, boardwalk,  
53 or seashore accommodation; any auditorium, meeting place, or hall;  
54 any theatre, motion-picture house, music hall, roof garden, skating  
55 rink, swimming pool, amusement and recreation park, fair, bowling  
56 alley, gymnasium, shooting gallery, billiard and pool parlor, or  
57 other place of amusement; any comfort station; any dispensary,  
58 clinic or hospital; any public library; any kindergarten, primary  
59 and secondary school, trade or business school, high school, acad-  
60 emy, college and university, or any educational institution under  
61 the supervision of the State Board of Education, or the Commis-  
62 sioner of Education of the State of New Jersey. Nothing herein  
63 contained shall be construed to include or to apply to any institu-  
64 tion, bona fide club, or place of accommodation, which is in its nature  
65 distinctly private; nor shall anything herein contained apply to any  
66 educational facility operated or maintained by a bona fide religious

67 or sectarian institution, and the right of a natural parent or one in  
68 loco parentis to direct the education and upbringing of a child under  
69 his control is hereby affirmed; nor shall anything herein contained  
70 be construed to bar any private secondary or post-secondary school  
71 from using in good faith criteria other than race, creed, color,  
72 national origin or ancestry, in the admission of students.

73 m. "A publicly assisted housing accommodation" shall include  
74 all housing built with public funds or public assistance pursuant to  
75 P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949,  
76 c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L.  
77 1949, c. 184, and all housing financed in whole or in part by a loan,  
78 whether or not secured by a mortgage, the repayment of which is  
79 guaranteed or insured by the Federal Government or any agency  
80 thereof.

81 n. The term "real property" includes real estate, lands, tene-  
82 ments and hereditaments, corporeal, and incorporeal, and lease-  
83 holds, provided however, that, except as to publicly assisted housing  
84 accommodations, the provisions of this act shall not apply to the  
85 rental: (1) of a single apartment or flat in a two-family dwelling,  
86 the other occupancy unit of which is occupied by the owner as his  
87 residence or the household of his family at the time of such rental;  
88 or (2) of a room or rooms to another person or persons by the  
89 owner or occupant of a one-family dwelling occupied by him as his  
90 residence or the household of his family at the time of such rental.  
91 Nothing herein contained shall be construed to bar any religious or  
92 denominational institution or organization, or any organization  
93 operated for charitable or educational purposes, which is operated,  
94 supervised or controlled by or in connection with a religious organi-  
95 zation, in the sale, lease or rental of real property, from limiting  
96 admission to or giving preference to persons of the same religion  
97 or denomination or from making such selection as is calculated by  
98 such organization to promote the religious principles for which it  
99 is established or maintained.

100 o. "Real estate broker" includes a person, firm or corporation  
101 who, for a fee, commission or other valuable consideration, or by  
102 reason of promise or reasonable expectation thereof, lists for sale,  
103 sells, exchanges, buys or rents, or offers or attempts to negotiate a  
104 sale, exchange, purchase, or rental of real estate or an interest  
105 therein, or collects or offers or attempts to collect rent for the use of  
106 real estate, or solicits for prospective purchasers or assists or  
107 directs in the procuring of prospects or the negotiation or closing  
108 of any transaction which does or is contemplated to result in the  
109 sale, exchange, buying, renting or auctioning of any real estate, or

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110 negotiates, or offers or attempts or agrees to negotiate a loan  
111 secured or to be secured by mortgage or other encumbrance upon  
112 or transfer of any real estate for others; or any person who, for  
113 pecuniary gain or expectation of pecuniary gain conducts a public  
114 or private competitive sale of lands or any interest in lands. In the  
115 sale of lots, the term "real estate broker" shall also include any  
116 person, partnership, association or corporation employed by or on  
117 behalf of the owner or owners of lots or other parcels of real estate,  
118 at a stated salary, or upon a commission, or upon a salary and com-  
119 mission, or otherwise, to sell such real estate, or any parts thereof,  
120 in lots or other parcels, and who shall sell or exchange, or offer or  
121 attempt or agree to negotiate the sale or exchange, of any such lot  
122 or parcel of real estate.

123 p. "Real estate salesman" includes any person who, for compen-  
124 sation, valuable consideration or commission, or other thing of  
125 value, or by reason of a promise or reasonable expectation thereof,  
126 is employed by and operates under the supervision of a licensed real  
127 estate broker to sell or offer to sell, buy or offer to buy or negotiate  
128 the purchase, sale or exchange of real estate, or offers or attempts  
129 to negotiate a loan secured or to be secured by a mortgage or other  
130 encumbrance upon or transfer of real estate, or to lease or rent, or  
131 offer to lease or rent any real estate for others, or to collect rents  
132 for the use of real estate, or to solicit for prospective purchasers  
133 or lessees of real estate, or who is employed by a licensed real estate  
134 broker to sell or offer to sell lots or other parcels of real estate, at  
135 a stated salary, or upon a commission, or upon a salary and com-  
136 mission, or otherwise to sell real estate, or any parts thereof, in lots  
137 or other parcels.

138 q. "*Physical handicap*" means any physical disability, infirmity,  
139 malformation or disfigurement which is caused by bodily injury,  
140 birth defect or illness \*including epilepsy\*, and which shall include,  
141 but not be limited to, any degree of paralysis, amputation, lack of  
142 physical coordination, blindness or visual impediment, deafness or  
143 hearing impediment, muteness or speech impediment or physical  
144 reliance on a seeing eye dog, wheelchair, or other remedial appliance  
145 or device.

1 2. All of the provisions of the act to which this act is a supple-  
2 ment shall be construed to prohibit any unlawful discrimination  
3 against any person because of the physical handicap of such person  
4 or any unlawful employment practice against such person, unless  
5 the nature and extent of the handicap reasonably precludes the  
6 performance of the particular employment.

7 3. The act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 486

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STATE OF NEW JERSEY

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DATED: MARCH 23, 1972

Present law does not prohibit discrimination based on a person's physical handicaps.

This bill would add physical handicaps, including blindness, paralysis, deafness and muteness to the "Law Against Discrimination" (C. 10:5-1 et seq.). Unless the handicap "reasonably precludes the performance of the particular employment," employers could not discriminate against the physically handicapped.

This bill would require the physically handicapped to be given equal opportunity to obtain public accommodations, public housing and real property. Discrimination against them in rental of housing would also be prohibited.

AUGUST 1, 1972

FOR RELEASE: IMMEDIATE

5486

Governor William T. Cahill signed into law today a bill which prohibits discrimination against physically handicapped persons in employment opportunities.

Sponsored by Senator Michael A. Giuliano of Essex County, the bill was originally drafted by Deputy Attorney General Bertram P. Goltz, himself a victim of cerebral palsy. Mr. Goltz was present at the public signing ceremony at noon today.

In signing the legislation, Governor Cahill praised the bill, stating: "It will restore the physically handicapped citizens of this state to their rightful dignity as valuable and contributing members of the labor force and will allow them to benefit from the same employment opportunities as their more fortunate neighbors."

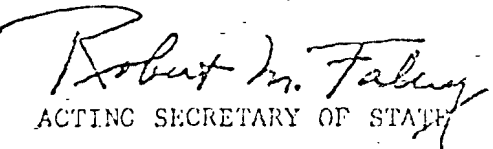
The Governor declared that no man should be barred from attaining his chosen goal by some disadvantage or handicap which is unrelated to his ability to carry out the task.

"Not only will handicapped individuals benefit from this important legislation," said the Governor, "but society as a whole will be enhanced through the contributions of this newly vitalized segment of the population."

Governor Cahill expressed the hope that the spirit as well as the letter of the law would be observed by all citizens in New Jersey.

Studies made prior to the drafting of the legislation showed that physically handicapped workers evidence a much smaller incident of on-the-job accidents than non-handicapped persons in comparable positions.

BY THE GOVERNOR



Robert M. Falvey  
ACTING SECRETARY OF STATE