

ASSEMBLY, No. 2337

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

SYNOPSIS

Authorizes county and municipal consumer affairs directors to conduct administrative hearings, assess civil and other penalties, and issue cease and desist orders.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning county and municipal consumer affairs offices,
2 amending P.L.1975, c.376.

3

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

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7 1. Section 2 of P.L.1975, c.376 (C.40:23-6.48) is amended to
8 read as follows:

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

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

21 b. Such other powers not inconsistent with the provisions of
22 this act or any other act or the rules and regulations promulgated
23 thereunder which may from time to time be assigned to such offices
24 by the governing body of the county or municipality which created
25 them.

26 c. The power to conduct administrative hearings and other
27 powers connected therewith as authorized by P.L.1967, c.97, s.1
28 (C.56:8-3.1) and by P.L.1971, c.247, s.s.3 through 6, inclusive
29 (C.56:8-15 through 56:8-18). Nothing contained in this subsection
30 shall be construed to authorize a county or municipal office of
31 consumer affairs created pursuant to P.L.1975, c.376 (C.40:23-6.47
32 et seq.) to conduct administrative hearings or other powers beyond
33 the scope of matters pertaining to unlawful practices pursuant to
34 P.L.1960, c.39 (C.56:8-1 et seq.).
35 (cf: P.L.1975, c.376, s.2)

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37 2. This act shall take effect on the first day of the sixth month
38 following enactment.

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STATEMENT

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43 This bill permits county and municipal consumer affairs directors
44 to conduct administrative hearings, assess civil and other penalties,
45 and issue cease and desist orders in addition to other powers

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.

1 designated to them by the Attorney General.

2 Section 2 of P.L.1975, c.376 (C.40:23-6.48) grants the Attorney
3 General the authority to delegate powers to county and municipal
4 consumer affairs offices, but prohibits the Attorney General from,
5 among other things, delegating the power to conduct administrative
6 hearings, assess civil penalties, and issue cease and desist orders.
7 These restrictions on the powers of county and municipal consumer
8 affairs officers are also found in the New Jersey Administrative
9 Code at N.J.A.C.13:45A-13.8.

10 This bill empowers county and municipal consumer affairs
11 directors to resolve issues in cases where mediation between
12 consumers and businesses is ineffective instead of relying upon the
13 State Division of Consumer Affairs, and clarifies that the new
14 powers entrusted to county and municipal consumer affairs offices
15 only extend to matters pertaining to unlawful practices under the
16 consumer fraud act.