

SENATE, No. 1605

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

SYNOPSIS

Prohibits sale of certain items during certain time on Thanksgiving.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the sale of certain items on Thanksgiving and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

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7 1. a. On the fourth Thursday of November, known as
8 Thanksgiving Day, between the hours of 9:00 A.M. and 9:00 P.M.,
9 it shall be unlawful for any person in a retail establishment to sell,
10 attempt to sell or offer to sell or to engage in the business of selling
11 clothing or wearing apparel, building and lumber supply materials,
12 furniture, home, business or office furnishings, or household,
13 business or office appliances, except as works of necessity and
14 charity.

15 b. Any person who violates any provision of this section is a
16 disorderly person and upon conviction for the first offense, shall
17 pay a fine of \$250; and for the second offense, shall pay a fine of
18 not less than \$250 or more than \$1,000 to be fixed by the court; and
19 for the third offense, shall pay a fine of not less than \$1,000 or more
20 than \$2,000 to be fixed by the court or, in the discretion of the
21 court, may be imprisoned for a period of not more than 30 days, or
22 both; and for the fourth or each subsequent offense, shall pay a fine
23 of not less than \$2,000 or more than \$5,000 to be fixed by the court,
24 or, in the discretion of the court, may be imprisoned for a period of
25 not less than 30 days or more than six months, or both. A single
26 sale of an article of merchandise of the character prohibited to any
27 one customer, or a single offer to sell an article of such merchandise
28 to any one prospective customer, shall be a distinct violation of this
29 section. The directors, officers, managers, agents or employees of
30 corporations shall be personally liable for these penalties.

31 c. In addition to the penalties provided for conviction under
32 this section, upon any four convictions for violations of this section,
33 the premises in or upon which the violations occurred shall be
34 deemed a nuisance.

35 d. As used in this section:

36 "Building and lumber supply materials" means all items used in
37 the construction of buildings, whether residential or industrial, and
38 particularly, but not limited to lumber, cement, building blocks,
39 sashes, frames, windows, doors and related items.

40 "Clothing and wearing apparel" means any article or articles to
41 be worn on the person by man, woman, or child as bodily covering
42 or protection, including garments of all types, headwear and
43 footwear.

44 "Engage in selling" means the attempt to sell or to induce an
45 immediate or future transfer of any such merchandise by describing,
46 explaining, extolling or identifying any such merchandise while the
47 seller is in personal contact with the potential purchaser.

48 "Furniture" means all articles of furniture used inside or outside

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1 a house or office, including chairs, tables, beds, desks, wardrobes,
2 dressers, bureaus, cupboards, cabinets, bookcases, sofas, couches,
3 and related items; and materials especially designed and prepared
4 for assembly into furniture; and all such furniture, whether finished
5 or unfinished, painted or unpainted.

6 "Home, business or office furnishings" means items of
7 equipment and furnishings used in a home or office, including floor
8 coverings, lamps and lighting fixtures, household linens, drapes,
9 blinds, curtains, mattresses, bed coverings, mirrors, china,
10 kitchenware and kitchen utensils, silverware, cutlery.

11 "Household, business, or office appliances" means stoves,
12 heating devices, cooking equipment, refrigerators, air conditioning
13 equipment, electric fans, clocks, radios, toasters, television sets,
14 washing machines, dryers, and all such electrical and gas appliances
15 used in the home.

16 "Offer to sell" means the acceptance of bids or proposals for the
17 purchase of goods at a future date or the attempt to induce a sale as
18 hereinabove defined, or the attempt to induce an immediate transfer
19 of any such merchandise, but shall not include advertising or
20 display of any such merchandise.

21 "Retail establishment" means any store where clothing or
22 wearing apparel, building and lumber supply materials, furniture,
23 home, business or office furnishings, or household, business or
24 office appliances, are sold, including any shopping mall, and that
25 has at least 20,000 square feet of gross building area.

26 "Sell" means to enter into an agreement whereby the seller
27 transfers ownership of property in the goods or an interest in the
28 goods to the purchaser for a consideration, whether or not the
29 transfer is for immediate or future delivery, and whether or not the
30 transaction is regarded as absolute, conditional or secured, and
31 whether or not immediate consideration is paid therefor. The
32 acceptance of a deposit for future delivery of any such merchandise,
33 or an agreement for future delivery of any such merchandise,
34 whether or not immediate consideration is paid therefor, shall also
35 be deemed a sale for purposes of this section.

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37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill prohibits the sale of certain items in large retail
43 establishments between the hours of 9:00 A.M. and 9:00 P.M. on
44 Thanksgiving. A "retail establishment" is defined in the bill to
45 mean any building where clothing or wearing apparel, building and
46 lumber supply materials, furniture, home or business or office
47 furnishings, household, business or office appliances, are sold,

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1 including any mall, and that has at least 20,000 square feet of gross
2 building area.

3 The bill provides that on the fourth Thursday in November,
4 known as Thanksgiving Day, it shall be unlawful for any person in
5 a retail establishment to sell, attempt to sell or offer to sell or to
6 engage in the business of selling clothing or wearing apparel,
7 building and lumber supply materials, furniture, home or business
8 or office furnishings, household, business or office appliances,
9 except as works of necessity and charity.

10 A violation of the bill's provisions is a disorderly person offense.
11 A person who violates the bill's provisions, upon conviction for the
12 first offense, may be subject to a fine of \$250; and for the second
13 offense, a fine of not less than \$250 or more than \$1,000 to be fixed
14 by the court; for the third offense, a fine of not less than \$1,000 or
15 more than \$2,000 to be fixed by the court and, in the discretion of
16 the court, may be imprisoned for a period of not more than 30 days;
17 and for the fourth or each subsequent offense, a fine of not less than
18 \$2,000 or more than \$5,000 to be fixed by the court, or, in the
19 discretion of the court, may be imprisoned for a period of not less
20 than 30 days or more than six months, or both. A single sale of an
21 article of merchandise of the character prohibited by the bill to any
22 one customer, or a single offer to sell an article of such merchandise
23 to any one prospective customer, is a distinct violation of the act.
24 The directors, officers, managers, agents or employees of
25 corporations are personally liable for these penalties.

26 In addition to these penalties, the bill provides that, upon any
27 four convictions for violations of the bill, the premises in or upon
28 which the violations occurred shall be deemed a nuisance.