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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

38 N.J.R. 1760(a)

Readoption with Amendments: N.J.A.C. 13:45A Adopted Repeal: N.J.A.C. 13:45A-14.12

Administrative Rules of the Division of Consumer Affairs

Proposed: November 21, 2005 at 37 N.J.R. 4369(a).

Adopted: March 15, 2006 by Kimberly S. Ricketts, Director, Division of Consumer Affairs.

Filed: March 21, 2006 as R.2006 d.141, without change.

Authority: N.J.S.A. 56:8-1 et seq., specifically 56:8-4.

Effective Date: March 21, 2006, Readoption;

April 17, 2006, Amendments and Repeals.

Expiration Date: March 21, 2011.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments and the adopted repeal are not subject to any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:45A.

Full text of the adopted amendments follows:

SUBCHAPTER 3. SALE OF MEAT AT RETAIL

13:45A-3.4 Exemptions for meat inspected under United States Department of Agriculture

(a) (No change.)

(b) The provisions of this rule shall not apply to meat which is produced, prepared or packaged under meat inspection of the United States Department of Agriculture for sale at retail outside the State of New Jersey.

SUBCHAPTER 5. DELIVERY OF HOUSEHOLD FURNITURE AND FURNISHINGS

13:45A-5.2 Contract forms; date of order

(a) (No change)

(b) The blank for the delivery date referred to in (a) above shall be filled in by the seller at the time the contract of sale is entered into by the parties or when the sales documents are issued, either as a specific day of a specific month or as a length of time agreed upon by the buyer and seller (for example, "six weeks from date of order").

SUBCHAPTER 14. UNIT PRICING OF CONSUMER COMMODITIES IN RETAIL ESTABLISHMENTS

13:45A-14.12 (Reserved)

SUBCHAPTER 19. PETITION FOR RULEMAKING

13:45A-19.1 Petition for promulgating, amending or repealing rules

(a) (No change.)

(b) With respect to a petition for a new rule or an amended rule, the petitioner shall include his or her name and address, the substance or nature of the request, the problem or purpose which is the subject of the request, the petitioner's interest in the request, the proposed text of the new rule or amended rule and the statutory authority under which the requested action may be taken.

(c)-(e) (No change.)

SUBCHAPTER 20. RESALE OF TICKETS OF ADMISSION TO PLACES OF ENTERTAINMENT

13:45A-20.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Resale" means a sale by a person other than the owner or operator of a place of entertainment or of the entertainment event or an agent of any such person.

"Resell" means to offer for resale or to consummate a resale.

"Ticket broker" means any person situated and operating in this State who is involved in the business of reselling tickets of admission to places of entertainment and who charges a premium in excess of the price, plus taxes, printed on the tickets.

13:45A-20.2 Registration

(a) An application for registration shall be on a form prescribed by the Director.

(b) An application for registration shall not be approved unless the Director finds that the submitted application form is complete in all respects.

(c) An application for registration shall be accompanied by a bond in due form made payable to the Division of Consumer Affairs, State of New Jersey in the sum of \$ 10,000 with two or more sufficient sureties or an authorized surety company, which bond shall be approved by the Director.

1.-2. (No change.)

3. The registrant shall file a new and additional bond in the sum of \$ 10,000 within 30 days of the commencement of a suit to recover on the bond.

4. Any failure by the registrant to file such a new and additional bond within such period shall constitute cause for the revocation of the registration previously issued to the registrant.

(d) The Director shall afford an applicant who has been rejected for registration, an opportunity to be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

1. (No change.)

(e) The Director may consider in determining whether or not to grant a registration:

1.-2. (No change.)

13:45A-20.3 Fees: new or renewal certificate of registration

(a) An application for a new or renewal certificate of registration shall be submitted on an application form obtained from the Director, fully executed and accompanied by a fee of \$ 300.00 in the form of a money order or certified check made payable to the order of the State of New Jersey, Division of Consumer Affairs.

(b) (No change.)

(c) A request by a registrant for a copy of the certificate of registration issued for the purpose of display in a branch office shall be accompanied by a fee of \$ 50.00.

(d) (No change.)

13:45A-20.4 Place of business

(a) A ticket broker shall maintain a bona fide place of business.

1. (No change.)

(b) A ticket broker shall not sell nor permit any employee, agent or servant to sell any ticket for a place of entertainment at any location other than those places of business licensed for the sale of tickets by the Director.

(c) A registrant shall request the prior approval of the Director for any change in the business address.

(d) A registration shall not be transferred or assigned.

1. A corporate registrant shall notify the Director prior to any change in the ownership interest in the registered business including but not limited to a transfer of 10 percent or more of stock interest held therein.

(e) A registrant shall clearly and conspicuously post his license in each of his places of business.

13:45A-20.5 Sale or exchange

(a) A registrant shall not sell or exchange any ticket for entry to a place of entertainment without first impressing his or her sale or exchange stamp clearly showing the registration number issued by the Division on the reverse side of that portion of each ticket which is retained by the owner of the place of entertainment.

1. A ticket shall bear the stamp of every registrant engaged in its sale or exchange.

(b) (No change.)

(c) A place of entertainment shall not sell or resell any ticket for entry to a place of entertainment unless the maximum premium, not to exceed 20 percent of the ticket price or \$ 3.00 whichever is greater, plus taxes, at which a ticket may be resold, stating an exception for resales by registered ticket brokers or season ticket holders, shall be printed on the face or back of any ticket. Where the maximum premium which may be charged for a ticket is printed on the back side of the ticket, the phrase "see reverse side" shall appear on the face of each ticket or ticket stock printed.

(d) No person other than a registered ticket broker or season ticket holder shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a maximum premium in excess of 20 percent of the ticket price or \$ 3.00, whichever is greater, plus lawful taxes. No registered ticket broker or season ticket holder shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a premium in excess of 50 percent of the price paid to acquire the ticket, plus lawful taxes.

(e) A purchaser of tickets who places a special order with a ticket broker for tickets that are not in stock or are obtained for a purchaser's specific need and are paid for in advance by the ticket broker, shall not be eligible to receive a refund for that purchase unless the ticket broker is able to find someone else to purchase the tickets and as long as the purchaser is notified in advance of this policy.

(f) It shall be a prohibited practice for a ticket broker as a condition of selling or exchanging a ticket for a particular entertainment event, to require a buyer to purchase other tickets.

(g) It shall be a prohibited practice for a registrant to accept or demand any other things of value in excess of the lawful purchase price of a ticket.

(h) Any buyer who pays any monies towards the purchase of a ticket and fails to receive the promised ticket on the promised delivery date shall be given notification by the ticket broker of the failure to deliver tickets and shall be given the option of receiving a full refund within 30 days or consenting to an extension of the delivery date.

(i) A ticket broker shall provide a buyer of a ticket with a receipt which specifies the date on which the tickets will be delivered to the buyer and the total purchase price for the tickets.

(j) No ticket broker shall engage in or continue in the business of reselling tickets for admission to a place of entertainment without meeting the following requirements:

1. Owning, operating or maintaining a permanent office, branch office, bureau, agency, or other place of business, not including a post office box, for the purpose of reselling tickets;
2. Obtaining a certificate of registration to resell or engage in the business of reselling tickets from the director;
3. Listing the ticket broker's registration number in any form of advertisement or solicitation in which tickets are being sold for the purpose of purchase by the general public for events in this State;
4. Maintaining records of ticket sales, deposits and refunds for a period of not less than two years from the time of any of these transactions;
5. Disclosing to the purchaser, by means of verbal description or a map, the location of the seats represented by the tickets;
6. Disclosing to the purchaser the cancellation policy of that broker;
7. Disclosing that a service charge is added by the ticket broker to the stated price on the tickets and is included by the broker in any advertisement or promotion for an event;
8. Disclosing to the purchaser, whenever applicable, that the ticket broker has a guarantee policy. If a ticket broker guarantees delivery of tickets to a purchaser and fails to deliver the tickets, the ticket broker shall provide a full refund for the cost of the tickets;
9. Disclosing to the purchaser of tickets when he is utilizing a tentative order policy, popularly known as a "try and get." When a ticket broker fails to obtain tickets on a "try and get" basis, the broker shall refund any deposit made by a purchaser of those tickets within seven business days after the event for which the tickets were sought;
10. When guaranteeing tickets in conjunction with providing a tour package, a ticket broker who fails to provide a purchaser with those tickets shall refund fully the price of the tour package and tickets; and
11. Providing to a purchaser of tickets who cancels an order a full refund for the cost of the tickets less shipping charges, if those tickets are returned to the broker within three days after receipt; provided, that when tickets are purchased within seven days of an event, a refund shall be given only if the tickets are returned within one day of receipt; and further provided, that no refund shall be given on any tickets purchased within six days of an event unless

the ticket broker is able to resell the tickets.

13:45A-20.6 Records

(a) A ticket broker shall keep full and accurate sets of records maintained in accordance with generally accepted accounting practices and principles.

(b) Records of a ticket broker shall clearly set forth:

1. The prices at which all tickets have been bought and sold by the ticket broker; and
2. The names and addresses of the persons from whom the ticket broker purchased the tickets and to whom the ticket broker sold the tickets.

(c) Records of a ticket broker shall include sales invoice books.

1. (No change.)

2. The invoices used shall be in duplicate, the original of which shall be given to the purchaser and the duplicate kept by the ticket broker in consecutive order.

3. The invoices used shall include the following information:

i.-iii. (No change.)

iv. Price of ticket(s) with ticket broker's premium recorded separately;

v.-viii. (No change)

(d) Records of a ticket broker shall include a sales journal which reflects a record of daily sales.

(e) Records set forth in this subchapter shall be maintained for a period of at least two years and shall be made available for inspection by the Division at any reasonable time and upon reasonable notice.

13:45A-20.7 Advertising

(a) A ticket broker shall not attempt in any advertising material, directly or indirectly, to include any statement or representation relating to a concert that has not been scheduled to occur on a particular date and at a specific place of entertainment.

(b) A registrant shall clearly and conspicuously disclose his registration number in any public advertisement or advertising material.

(c) Advertising for any event by a ticket broker shall include the price charged by a place of entertainment for each ticket offered for sale but ticket prices are not required to be included in pamphlets, brochures or billboards prepared as a schedule of events prior to the time a ticket is offered for sale.

SUBCHAPTER 24. TOY AND BICYCLE SAFETY

13:45A-24.4 Bicycle safety notices

(a) In addition to the notices required by SEQ CHAPTER h r 1 N.J.S.A. 39:4-10.3 to be posted, a bicycle safety statement promoting the use of helmets shall be prominently affixed to every new or used bicycle offered to be sold or sold at retail by a person in the business of selling bicycles. The statement shall be attached to the seat, handlebar or, if in the form of a decal, to the top tube of the bicycle or, if unassembled, prominently printed on or firmly attached to the outside of the box or carton containing the unassembled bicycle.

(b) The statement may be in the form of the warning card, "This Bike is Missing One Part," designed by the New Jersey Coalition for Prevention of Developmental Disabilities, available from:

The New Jersey Coalition for Prevention of

Developmental Disabilities

985 Livingston Avenue

North Brunswick, New Jersey 08902

Tel. (732) 246-2525

Alternatively, the statement promoting the use of bicycle helmets may be in the form of a tag, notice, or decal designed by the bicycle supplier or retailer, provided the wording is clear and concise, appears in no less than 20-point type if in the form of a tag or notice and no less than 18-point type if in the form of a decal, and is printed in boldface capital letters, in color contrasting with the background. The tag or notice shall be made of cardboard, durable paper or plastic, and shall be no smaller than four inches by six inches if in the form of a tag or notice and no less than one by two inches if in the form of a decal; it may be covered by transparent plastic but shall not be obscured.

(c) (No change.)

SUBCHAPTER 26. AUTOMOTIVE DISPUTE RESOLUTION

13:45A-26.3 Statements to consumer; other notices

(a) (No change.)

(b) If a motor vehicle is returned to the manufacturer under the provisions of the Lemon Law or a similar statute of another state or as the result of a legal action or an informal dispute settlement procedure, the motor vehicle shall not be resold or released in New Jersey unless the following steps are taken:

1. (No change.)

2. Within 10 days of receipt of the vehicle, the manufacturer, its agent, or a dealer who accepts the vehicle shall submit a copy of the stamped document to the Special Title Section of the Motor Vehicle Commission (MVC) to indicate that title to the vehicle shall be permanently branded.

3. The manufacturer shall provide to the dealer or lessor, and the dealer or lessor shall provide to the consumer prior to the resale or release of the motor vehicle a copy for the consumer's records of the following statement on a separate piece of paper, in 10-point boldface type:

NOTICE OF NONCONFORMITY

"IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S WARRANTY AND THE NONCONFORMITY WAS NOT CORRECTED WITHIN A REASONABLE TIME AS PROVIDED BY LAW."

(This notice is required under the New Jersey "Lemon Law", N.J.S.A. 56:12-29, for vehicles that have been replaced or repurchased by the manufacturer as the result of any one of the following: a court judgment, or a final decision pursuant to a hearing or settlement by the Office of Administrative Law, or an arbitration proceeding between the manufacturer or its agent and a consumer.)

4. (No change.)

5. The manufacturer, dealer or lessor shall notify the Special Title Section of the MVC of the resale or release of the vehicle by requesting transfer of the branded title to the new owner or lessor, in writing.

(c)-(d) (No change.)

13:45A-26.5 Preliminary steps to initiate a Lemon Law action within the Division of Consumer Affairs Lemon Law Unit

(a) To initiate a claim within the Division of Consumer Affairs Lemon Law Unit under the Lemon Law, written notification of the potential claim shall be sent certified mail, return receipt requested, by or on behalf of a consumer, to the manufacturer of a nonconforming motor vehicle if either of the following occurs during the first 18,000 miles of operation or within 24 months after the date of original delivery, whichever is earlier:

1. (No change.)

2. The motor vehicle has been out of service by reason of repair for one or more nonconformities for a minimum of 20 days since the original delivery of the motor vehicle, and a nonconformity continues to exist.

(b) The manufacturer has one more opportunity to repair or correct the nonconformity within 10 days following receipt of written notification from the consumer of a potential claim. If the nonconformity continues to exist after expiration of the 10-day time period and the manufacturer refuses to replace or refund the price of the vehicle, the consumer may pursue a Lemon Law claim with the Lemon Law Unit.

(c) Nothing contained in this section shall preclude a consumer from alternatively filing an action in Superior Court.

13:45A-26.10 Notification and scheduling of hearings

(a) Each manufacturer of motor vehicles sold or leased in New Jersey shall forward to the Division of Consumer Affairs, Lemon Law Unit (LLU), the name, address, and telephone number of the person designated by the manufacturer to receive notices under the Lemon Law dispute resolution process. The manufacturer shall update this information, as necessary.

(b)-(e) (No change.)

(f) A copy of the application materials shall be sent by the LLU simultaneously with the notice of acceptance of the application, to the manufacturer's designee. Within 10 days of the receipt of the notice of acceptance of the consumer's application for dispute resolution, the manufacturer shall mail by certified mail, return receipt requested, to the consumer and to the Clerk of the Office of Administrative Law at 33 Washington Street, Newark, New Jersey 07102, a response to each of the statements set forth in the consumer application.

(g) (No change.)

13:45A-26.12 Final decision

(a) (No change.)

(b) At the conclusion of the 15-day review period, the Director shall mail notification of the rejected, modified or adopted decision to both parties, the lien-holder, if any, the OAL, and, if the vehicle in question is to be returned to the manufacturer, the Special Title Section of the MVC. The mailing to the manufacturer and consumer shall be by certified mail, return receipt requested. Within 45 days of receipt of the final decision, any party may file an appeal in the Appellate Division of the Superior Court.

(c)-(d) (No change.)

13:45A-26.14 Manufacturer's reporting requirements

(a) (No change.)

(b) Manufacturers who establish or participate in an informal dispute settlement procedure shall:

1.-2. (No change)

(c) On January 15 and July 15 of every year, the LLU shall mail a questionnaire by certified mail, return receipt requested, to every manufacturer on the roster compiled pursuant to (a) above, requesting the following information:

1.-4. (No change.)

5. The average number of days from the date of a consumer's initial request to use the manufacturer's informal dispute settlement procedure until the date of the decision and the average number of days from the date of the decision to the date on which performance of the award was satisfied; and

6. A list of all motor vehicles and their Vehicle Identification Numbers stamped with "R--RETURNED TO MANUFACTURER UNDER LEMON LAW OR OTHER PROCEEDING," which have been reported to the MVC Special Title Section during the previous six months.

(d) (No change.)

13:45A-26.15 Index of disputes

(a) (No change.)

(b) The index and statistical record of compliance shall be made available to the public.

SUBCHAPTER 26E. MOTORIZED WHEELCHAIR DISPUTE RESOLUTION

13:45A-26E.10 Notification and scheduling of hearings

(a) Each manufacturer of motorized wheelchairs sold or leased in New Jersey shall forward to the Division of Consumer Affairs, Wheelchair Lemon Law Unit, the name, address, telephone and telefax number of the person designated by the manufacturer to receive notices under this dispute resolution process. It shall be the duty of the manufacturer to update this information, as necessary.

(b)-(g) (No change)

13:45A-26E.14 Manufacturer's informal dispute resolution system

(a) (No change.)

(b) Manufacturers who establish or participate in an in-house customer assistance mechanism, private arbitration, private buy-back program, or any other type of dispute resolution system shall:

1.-2. (No change.)

13:45A-26E.15 Index of disputes

(a) (No change.)

(b) The index and statistical record of compliance shall be made available to the public.

SUBCHAPTER 26F. UNFAIR TRADE PRACTICES--USED MOTOR VEHICLES--SALE AND WARRANTY

13:45A-26F.3 Dealer warranty; form; scope; purchaser's obligations

(a) Upon the sale of a used motor vehicle in the State of New Jersey, the dealer shall furnish the consumer with a written warranty which meets the requirements of (c) below, unless:

1. (No change.)
2. The used motor vehicle is over seven model years old;
- 3.-5. (No change.)

(b)-(e) (No change.)

13:45A-26F.6 Administrative fee

(a) At the time of sale a dealer shall collect an administrative fee of \$ 0.50 from each consumer who purchases a used motor vehicle in the State of New Jersey.

(b) By the 15th of every January, a dealer shall mail to the Used Car Lemon Law Unit, the following:

1. A check or money order made payable to the "New Jersey Division of Consumer Affairs," in an amount equal to the total sum of administrative fees collected during the preceding calendar year; and
2. A completed "Certification of Administrative Fees" form, which is appended to this subchapter as Appendix D, incorporated into this rule by reference, indicating the number of used cars sold each month by the dealer during the preceding calendar year.

(c) (No change.)

13:45A-26F.8 Used Car Lemon Law Unit; duties; address

(a) (No change.)

(b) All correspondence to the Division of Consumer Affairs regarding Used Car Lemon Law matters shall be directed to the attention of the UCLL Unit as follows:

Division of Consumer Affairs

Used Car Lemon Law Unit

PO Box 45039

124 Halsey Street

Newark, New Jersey 07101

13:45A-26F.9 Procedures for resolving a complaint

(a) To be eligible to have a dispute resolved in one of the forums set forth in N.J.A.C. 13:45A-26F.7, a consumer shall provide the following items to the UCLL Unit by certified mail, return receipt requested:

1. A completed application for dispute resolution (see N.J.A.C. 13:45A-26F.10) which can be obtained from the UCLL Unit or the dealer; and
2. (No change.)

13:45A-26F.12 Notification of scheduling of hearings

(a) Used motor vehicle dealers in New Jersey shall forward to the Division of Consumer Affairs, UCLL Unit, the name, address, telephone and telefax number of the person designated by the dealer to receive notices under the dispute resolution process. It shall be the duty of the dealer to update this information, as necessary.

(b)-(f) (No change.)

13:45A-26F.16 Dealer's informal dispute resolution procedures

(a) Dealers who establish or participate in an informal dispute settlement procedure shall:

1.-2. (No change.)

13:45A-26F.17 Index of disputes

(a) (No change.)

(b) The index and statistical record of compliance shall be made available to the public. [Click here for image](#)

SUBCHAPTER 27. NEW JERSEY UNIFORM PRESCRIPTION BLANKS PROGRAM

13:45A-27.13 Renewal of approved vendor status

Vendors shall submit an application for renewal of approved vendor status, on a form supplied by the Division on a triennial basis.