

New Jersey Register
Volume 41, Issue 10
Issue Date: MAY 18, 2009

RULE ADOPTIONS

Law and Public Safety
Division of Consumer Affairs

OFFICE OF THE DIRECTOR

Adopted Amendments: N.J.A.C. 13:45A-26B.1 and 26B.2

Adopted New Rules: N.J.A.C. 13:45A-26B.3 and 26B.4

Automotive Sales Practices

Proposed: May 5, 2008 at 40 N.J.R. 2213(a).

Adopted: March 10, 2009 by David M. Szuchman, Director, Division of Consumer Affairs.

Filed: April 23, 2009 as R.2009 d.170, **without change**.

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

[page=2139] Effective Date: May 18, 2009.

Expiration Date: March 21, 2011.

Federal Standards Statement

A Federal standards analysis is not required because the new rules and amendments are not adopted under the authority of or in order to implement, comply with or participate in any program under Federal law. The adopted new rules and amendments were undertaken pursuant to the authority of New Jersey law, N.J.S.A. 56:8-1 et seq., which does not incorporate or refer to Federal law, standards or requirements.

Full text of the adoption follows:

SUBCHAPTER 26B. AUTOMOTIVE SALES PRACTICES

13:45A-26B.1 Definitions

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

...

"Documentary service" means, but is not limited to, the preparation and processing of documents in connection with the transfer of license plates, registration, or title, and the preparation and processing of other documents relating to the sale or lease of a motor vehicle.

"Documentary service fee" means any monies or other thing of value, which an automotive dealer accepts from a consumer in exchange for a documentary service.

"Pre-delivery service" means, but is not limited to, items that are often described or labeled as dealer preparation, vehicle preparation, pre-delivery handling and delivery, or any other service of similar import.

"Pre-delivery service fee" means any monies or other thing of value, which an automotive dealer accepts from a consumer in exchange for the performance of a pre-delivery service upon a motor vehicle.

...

13:45A-26B.2 Pre-delivery service fees

(a) In connection with the sale of a motor vehicle, which includes the assessment of a pre-delivery service fee, automotive dealers shall not:

1. Accept, charge, or obtain from a consumer monies, or any other thing of value, in exchange for the performance of any pre-delivery service for which the automotive dealer receives payment, credit, or other value from any person or entity other than a retail purchaser of the motor vehicle; or
2. Accept, charge, or obtain from a consumer monies, or any other thing of value, in exchange for the performance of any pre-delivery service without first itemizing the actual pre-delivery service, which is being performed and setting forth in writing, in at least 10-point type, on the sales document the price for each specific pre-delivery service.

13:45A-26B.3 Documentary service fee

(a) In connection with the sale of a motor vehicle, which includes the assessment of a documentary service fee, automotive dealers shall not:

1. Represent to a consumer that a governmental entity requires the automotive dealer to perform any documentary service: or
2. Accept, charge, or obtain from a consumer monies, or any other thing of value, in exchange for the performance of any documentary service without first itemizing the actual documentary service, which is being performed and setting forth in writing, in at least 10-point type, on the sale document the price for each specific documentary service.

13:45A-26B.4 Violations

Without limiting the prosecution of any other practices, which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violations of this subchapter shall comprise a violation of the Consumer Fraud Act.