

CHAPTER 45A

ADMINISTRATIVE RULES OF THE DIVISION OF  
CONSUMER AFFAIRS

Authority

N.J.S.A. 45:14-14.1, 56:8-1 et seq., specifically 56:8-4,  
and 56:18-19.1.

Source and Effective Date

R.2006 d.141, effective March 21, 2006.  
See: 37 N.J.R. 4369(a), 38 N.J.R. 1760(a).

Chapter Expiration Date

Chapter 45A, Administrative Rules of the Division of Consumer  
Affairs, expires on March 21, 2011.

Chapter Historical Note

Chapter 45A, Administrative Rules of the Division of Consumer  
Affairs, Subchapter 1, Deceptive Practices in Mail Order or Catalog  
Business, was adopted as R.1973 d.176, effective August 1, 1973. See:  
5 N.J.R. 151(b), 5 N.J.R. 290(a).

Subchapter 2, Motor Vehicle Advertising Practices, was adopted as  
R.1973 d.183, effective July 15, 1973. See: 5 N.J.R. 191(a), 5 N.J.R.  
290(d).

Subchapter 4, Banned Hazardous Products, was adopted as R.1973  
d.222, effective August 15, 1973. See: 5 N.J.R. 229(d), 5 N.J.R. 317(c).

Subchapter 8, Tire Distributors and Dealers, was adopted as R.1973  
d.309, effective December 1, 1973. See: 5 N.J.R. 354(a), 5 N.J.R.  
390(e).

Subchapter 3, Sale of Meat at Retail, was adopted as R.1973 d.169,  
effective January 1, 1974. See: 5 N.J.R. 154(a), 5 N.J.R. 239(b).

Subchapter 5, Delivery of Household Furniture and Furnishings, was  
adopted as R.1973 d.262, effective January 1, 1974. See: 5 N.J.R.  
287(a), 5 N.J.R. 357(b).

Subchapter 7, Deceptive Practices Concerning Automotive Repairs  
and Advertising, was adopted as R.1973 d.307, effective January 1,  
1974. See: 5 N.J.R. 351(b), 5 N.J.R. 390(b).

Subchapter 9, Retail Store Advertising and Marketing Practices, was  
adopted as R.1974 d.15, effective March 1, 1974. See: 5 N.J.R. 422(a),  
6 N.J.R. 82(b).

Subchapter 10, Servicing and Repairing of Home Appliances, was  
adopted as R.1974 d.16, effective March 1, 1974. See: 5 N.J.R. 421(a),  
6 N.J.R. 82(c).

Subchapter 12, Sale of Animals, was adopted as R.1975 d.351,  
effective November 20, 1975. See: 7 N.J.R. 231(b), 7 N.J.R. 571(c).

Subchapter 13, Powers to be Exercised by County and Municipal  
Officers of Consumer Affairs, was adopted as R.1976 d.245, effective  
August 3, 1976. See: 8 N.J.R. 233(b), 8 N.J.R. 439(b).

Subchapter 14, Unit Pricing of Consumer Commodities in Retail  
Establishments, was adopted as R.1976 d.265, effective August 23,  
1976. See: 8 N.J.R. 304(a), 8 N.J.R. 439(e).

Subchapter 6, Automotive Sales Practices, was adopted as R.1979  
d.392, effective October 1, 1979. See: 11 N.J.R. 386(a), 11 N.J.R.  
580(e).

Subchapter 16, Home Improvement Practices, was adopted as R.1980  
d.111, effective April 1, 1980. See: 11 N.J.R. 577(a), 12 N.J.R. 209(b).

Subchapter 9, Retail Store Advertising and Marketing Practices, was  
repealed and Subchapter 9, Merchandise Advertising, was adopted as  
new rules by R.1980 d.200, effective May 6, 1980. See: 12 N.J.R.  
45(a), 12 N.J.R. 348(b).

Subchapter 17, Sale of Advertising in Journals Relating or Purporting  
to Relate to Police, Firefighting or Charitable Organizations, was  
adopted as R.1981 d.294, effective August 6, 1981. See: 13 N.J.R.  
235(b), 13 N.J.R. 520(b).

Subchapter 15, Disclosure of Refund Policy in Retail Establishment,  
was adopted as R.1982 d.29, effective February 1, 1982. See: 13 N.J.R.  
665(a), 14 N.J.R. 160(a).

Subchapter 21, Representations Concerning and Requirements for the  
Sale of Kosher Food, was adopted as R.1984 d.113, effective April 2,  
1984. See: 16 N.J.R. 220(a), 16 N.J.R. 741(a).

Subchapter 20, Resale of Tickets of Admission to Places of Enter-  
tainment, was adopted as R.1984 d.196, effective May 21, 1984. See:  
16 N.J.R. 417(a), 16 N.J.R. 1281(b).

Pursuant to Executive Order No. 66(1978), Subchapter 6, Deceptive  
Practices Concerning Automotive Practices, was readopted as R.1984  
d.526, effective October 24, 1984. See: 16 N.J.R. 2349(a), 16 N.J.R.  
3214(a).

Subchapter 7, Deceptive Practices Concerning Automotive Repairs  
and Advertising, was readopted as R.1984 d.527, effective October 24,  
1984. See: 16 N.J.R. 2350(a), 16 N.J.R. 3214(b).

Pursuant to Executive Order No. 66(1978), Subchapter 16, Home  
Improvement Practices, expired April 1, 1985.

Pursuant to Executive Order No. 66(1978), Subchapter 9, Merchandise  
Advertising, was readopted as R.1985 d.256, effective April 29,  
1985. See: 17 N.J.R. 678(a), 17 N.J.R. 1323(b).

Subchapter 16, Home Improvement Practices, was adopted as new  
rules by R.1985 d.255, effective May 20, 1985. See: 17 N.J.R. 679(a),  
17 N.J.R. 1325(a).

Subchapter 23, Deceptive Practices Concerning Watercraft Repair,  
was adopted as R.1985 d.306, effective June 17, 1985. See: 17 N.J.R.  
680(a), 17 N.J.R. 1581(a).

Subchapter 22, Inspections of Kosher Meat Dealers, Kosher Poultry  
Dealers, and Dealers of Kosher Food and Food Products; Records  
Required to be Maintained by Kosher Meat Dealers and Kosher Poultry  
Dealers, was adopted as R.1985 d.407, effective August 5, 1985. See:  
17 N.J.R. 1241(a), 17 N.J.R. 1901(b).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Unit  
Pricing of Consumer Commodities in Retail Establishments, expired on  
October 9, 1985.

Subchapter 14, Unit Pricing of Consumer Commodities in Retail  
Establishments, was adopted as new rules by R.1985 d.643, effective  
December 16, 1985. See: 17 N.J.R. 2232(b), 17 N.J.R. 2991(c).

Subchapter 2, Motor Vehicle Advertising Practices, was repealed and  
Subchapter 2, Motor Vehicle Advertising Practices, was adopted as new  
rules by R.1987 d.341, effective August 17, 1987. See: 19 N.J.R.  
1056(a), 19 N.J.R. 1562(c).

Subchapter 21, Representations Concerning and Requirements for the  
Sale of Kosher Food, and Subchapter 22, Inspections of Kosher Meat  
Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food  
Products; Records Required to be Maintained by Kosher Meat Dealers  
and Kosher Poultry Dealers, were repealed and Subchapter 21, Sale of  
Kosher Products, and Subchapter 22, Inspections of Kosher Meat  
Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food  
Products; Records Required to be Maintained by Kosher Meat Dealers  
and Kosher Poultry Dealers, were adopted as new rules by R.1987  
d.450, effective November 2, 1987. See: 19 N.J.R. 1060(a), 19 N.J.R.  
2060(d).

Subchapter 25, Sellers of Health Club Services, was adopted as R.1988 d.23, effective January 4, 1988. See: 19 N.J.R. 1967(a), 20 N.J.R. 103(a).

Subchapter 12, Sale of Animals, was repealed and Subchapter 12, Sale of Animals, was adopted as new rules by R.1988 d.271, effective June 20, 1988. See: 19 N.J.R. 853(a), 20 N.J.R. 501(b), 20 N.J.R. 1463(a).

Subchapter 25, Sellers of Health Club Services, was repealed and Subchapter 25, Sellers of Health Club Services, was adopted as new rules by R.1988 d.520, effective November 7, 1988. See: 20 N.J.R. 2036(a), 20 N.J.R. 2790(b).

Subchapter 26, Automotive Dispute Resolutions, was adopted as R.1989 d.65, effective February 6, 1989. See: 20 N.J.R. 2681(b), 21 N.J.R. 339(b).

Subchapter 2, Motor Vehicle Advertising Practices, was repealed and Subchapter 2, Motor Vehicle Advertising Practices, was adopted as new rules by R.1989 d.253, effective May 15, 1989. See: 21 N.J.R. 115(a), 21 N.J.R. 1368(a).

Subchapter 17, Sale of Advertising in Journals Relating or Purporting to Relate to Police, Firefighting or Charitable Organizations, was repealed by R.1990 d.606, effective December 17, 1990. See: 22 N.J.R. 2396(a), 22 N.J.R. 3758(a).

Subchapter 19, Petition for Rulemaking, was adopted as R.1990 d.371, effective August 6, 1990. See: 22 N.J.R. 786(a), 22 N.J.R. 2331(c).

Petition for Rulemaking. See: 22 N.J.R. 3166(b).

Pursuant to Executive Order No. 66(1978), Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.1990 d.606, effective November 9, 1990. See: 22 N.J.R. 2396(a), 22 N.J.R. 3758(a).

Subchapter 24, Toy and Bicycle Safety, was adopted as R.1993 d.372, effective July 19, 1993. See: 24 N.J.R. 3019(b), 24 N.J.R. 3666(a), 25 N.J.R. 3235(a).

Subchapter 21, Sale of Kosher Products, and Subchapter 22, Inspections of Kosher Meat Dealers, Kosher Poultry Dealers, and Dealers of Kosher Food and Food Products; Records Required to be Maintained by Kosher Meat Dealers and Kosher Poultry Dealers, were repealed and Subchapter 21, Regulations Concerning the Sale of Food Represented as Kosher, was adopted as new rules by R.1994 d.204, effective April 18, 1994. See: 25 N.J.R. 3086(a), 26 N.J.R. 1667(a).

Pursuant to Executive Order No. 66(1978), Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.1995 d.618, effective November 6, 1995, and Subchapter 2, Motor Vehicle Advertising Practices, Subchapter 6, Deceptive Practices Concerning Automotive Sales Practices, Subchapter 7, Deceptive Practices Concerning Automotive Repairs and Advertising, and Subchapter 8, Tire Distributors and Dealers, were recodified as Subchapter 26A, Motor Vehicle Advertising Practices, Subchapter 26B, Automotive Sales Practices, Subchapter 26C, Automotive Repairs, and Subchapter 26D, Tire Distributors and Dealers, by R.1995 d.618, effective December 4, 1995. See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

Subchapter 28, Motor Vehicle Leasing, was adopted as R.1996 d.129, effective March 4, 1996. See: 27 N.J.R. 4130(a), 28 N.J.R. 1394(b).

Subchapter 26E, Motorized Wheelchair Dispute Resolution, was adopted as R.1996 d.407, effective August 19, 1996. See: 28 N.J.R. 2320(a), 28 N.J.R. 3965(a).

Subchapter 26F, Unfair Trade Practices—Used Motor Vehicles—Sale and Warranty, was adopted as R.1999 d.45, effective February 1, 1999. See: 30 N.J.R. 518(a), 31 N.J.R. 446(a).

Pursuant to Executive Order No. 66(1978), Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.2000 d.460, effective October 20, 2000. See: 32 N.J.R. 3282(a), 32 N.J.R. 4126(a).

Subchapter 29, Property Condition Disclosure, was adopted as new rules by R.2004 d.193, effective May 17, 2004. See: 35 N.J.R. 1644(a), 36 N.J.R. 2534(a).

Subchapter 27, New Jersey Uniform Prescription Blanks Program, was adopted as new rules by R.2004 d.238, effective June 21, 2004. See: 35 N.J.R. 4172(a), 36 N.J.R. 3059(a).

Subchapter 22, Halal Food, adopted as new rules by R.2004 d.337, effective September 7, 2004. See: 35 N.J.R. 3754(a), 36 N.J.R. 4152(b).

Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted by R.2006 d.141, effective March 21, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 4, Banned Hazardous Products, was renamed Rules Concerning Hazardous Products by R.2007 d.342, effective November 5, 2007. See: 39 N.J.R. 2321(a), 39 N.J.R. 4850(a).

Subchapter 24A, Flame Resistance Standards for Tents and Sleeping Bags, was adopted as new rules by R.2008 d.111, effective May 5, 2008. See: 39 N.J.R. 5056(a), 40 N.J.R. 2287(a).

## CHAPTER TABLE OF CONTENTS

### SUBCHAPTER 1. DECEPTIVE MAIL ORDER PRACTICES

13:45A-1.1 General provisions

### SUBCHAPTER 2. (RESERVED)

### SUBCHAPTER 3. SALE OF MEAT AT RETAIL

13:45A-3.1 Definitions  
 13:45A-3.2 Labeling and advertising requirements  
 13:45A-3.3 Exemption for certain meats  
 13:45A-3.4 Exemptions for meat inspected under United States Department of Agriculture  
 13:45A-3.5 Name in addition to the species and primal cut  
 13:45A-3.6 Advertising when additional name used  
 13:45A-3.7 Use of United States Department of Agriculture grading terms  
 13:45A-3.8 Use of United States Department of Agriculture grading terms for pork  
 13:45A-3.9 Labeling or advertising when certain United States Department of Agriculture grading terms used  
 13:45A-3.10 Labeling of certain meat food products  
 13:45A-3.11 Fabricated steak  
 13:45A-3.12 Supply of meat advertised  
 13:45A-3.13 Frozen meat  
 13:45A-3.14 Violations  
 13:45A-3.15 Meat charts

### SUBCHAPTER 4. RULES CONCERNING HAZARDOUS PRODUCTS

13:45A-4.1 Unconscionable commercial practice  
 13:45A-4.2 Definitions  
 13:45A-4.3 Violations

### SUBCHAPTER 5. DELIVERY OF HOUSEHOLD FURNITURE AND FURNISHINGS

13:45A-5.1 Delivery practices; generally  
 13:45A-5.2 Contract forms; date of order  
 13:45A-5.3 Contract form; delayed delivery  
 13:45A-5.4 Violations; sanctions

### SUBCHAPTERS 6 THROUGH 8. (RESERVED)

### SUBCHAPTER 9. GENERAL ADVERTISING

13:45A-9.1 Definitions  
 13:45A-9.2 General advertising practices  
 13:45A-9.3 Price reduction advertisements; merchandise advertised at a price of less than \$100.00

- 13:45A-27.10 Vendor security requirements
- 13:45A-27.11 Confidentiality
- 13:45A-27.12 Enforcement
- 13:45A-27.13 Renewal of approved vendor status

SUBCHAPTER 28. MOTOR VEHICLE LEASING

- 13:45A-28.1 through 13:45A-28.7 (Reserved)
- 13:45A-28.8 Credit check of lessee; right to review contract

SUBCHAPTER 29. PROPERTY CONDITION DISCLOSURE

- 13:45A-29.1 Property Condition Disclosure Form

SUBCHAPTER 1. DECEPTIVE MAIL ORDER PRACTICES

**13:45A-1.1 General provisions**

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., this rule makes unlawful thereunder some specific practices in the mail order or catalog business.

Yes	No	Unknown	Not Applicable	
[ ]	[ ]	[ ]	[ ]	102. Electric Garage Door Opener
[ ]	[ ]	[ ]	[ ]	102a. If "yes," are they reversible? Number of Transmitters _____
[ ]	[ ]	[ ]	[ ]	103. Smoke Detectors [ ] Battery [ ] Electric [ ] Both How many _____ [ ] Carbon Monoxide Detectors How many _____ Location _____
[ ]	[ ]	[ ]	[ ]	104. With regard to the above items, are you aware that any item is not in working order?
				104a. If "yes," identify each item that is not in working order or defective and explain the nature of the problem: _____ _____
[ ]	[ ]	[ ]	[ ]	105. In-ground pool Above-ground pool Pool Heater Spa/Hot Tub
[ ]	[ ]	[ ]	[ ]	105a. Were proper permits and approvals obtained?
[ ]	[ ]	[ ]	[ ]	105b. Are you aware of any leaks or other defects with the filter or the walls or other structural or mechanical components of the pool or spa/hot tub?
[ ]	[ ]	[ ]	[ ]	105c. If an in-ground pool, are you aware of any water seeping behind the walls of the pool?
				106. Indicate which of the following may be included in the sale? (Indicate Y for yes N for no.) [ ] Refrigerator [ ] Range [ ] Microwave Oven [ ] Dishwasher [ ] Trash Compactor [ ] Garbage Disposal [ ] In-Ground Sprinkler System [ ] Central Vacuum System [ ] Security System [ ] Washer [ ] Dryer [ ] Intercom [ ] Other
				107. Of those that may be included, is each in working order? If "no," identify each item not in working order, explain the nature of the problem: _____ _____

The undersigned Seller affirms that the information set forth in this Disclosure Statement is accurate and complete to the best of Seller's knowledge, but is not a warranty as to the condition of the Property. Seller hereby authorizes the real estate brokerage firm representing or assisting the seller to provide this Disclosure Statement to all prospective buyers of the Property, and to other real estate agents. Seller alone is the source of all information contained in this statement. \*If the Seller relied upon any credible representations of another, the Seller should state the name(s) of the person(s) who made the representation(s) and describe the information that was relied upon.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELLER: \_\_\_\_\_

DATE: \_\_\_\_\_

SELLER: \_\_\_\_\_

DATE: \_\_\_\_\_

EXECUTOR, ADMINISTRATOR, TRUSTEE

(If applicable)

The undersigned has never occupied the property and lacks the personal knowledge necessary to complete this Disclosure Statement.

\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

RECEIPT AND ACKNOWLEDGMENT BY PROSPECTIVE BUYER

The undersigned Prospective Buyer acknowledges receipt of this Disclosure Statement prior to signing a Contract of Sale pertaining to this Property. Prospective Buyer acknowledges that this Disclosure Statement is not a warranty by Seller and that it is Prospective Buyer's responsibility to satisfy himself or herself as to the condition of the Property. Prospective Buyer acknowledges that the Property may be inspected by qualified professionals, at Prospective Buyer's expense, to determine the actual condition of the Property. Prospective Buyer further acknowledges that this form is intended to provide information relating to the condition of the land, structures, major systems and amenities, if any, included in the sale. This form does not address local conditions which may affect a purchaser's use and enjoyment of the property such as noise, odors, traffic volume, etc. Prospective Buyer acknowledges that they may indepen-

ACKNOWLEDGMENT OF SELLER

dently investigate such local conditions before entering into a binding contract to purchase the property. Prospective Buyer acknowledges that he or she understands that the visual inspection performed by the Seller's real estate broker/broker-salesperson/salesperson does not constitute a professional home inspection as performed by a licensed home inspector.

PROSPECTIVE BUYER: \_\_\_\_\_

DATE: \_\_\_\_\_

PROSPECTIVE BUYER: \_\_\_\_\_

DATE: \_\_\_\_\_

**ACKNOWLEDGMENT OF REAL ESTATE BROKER/BROKER-SALESPERSON/SALESPERSON**

The undersigned Seller's real estate broker/broker-salesperson/salesperson acknowledges receipt of the Property Disclosure Statement form and that the information contained in the form was provided by the Seller.

The Seller's real estate broker/broker-salesperson/salesperson also confirms that he or she visually inspected the property with reasonable diligence to ascertain the accuracy of the information disclosed by the seller, prior to providing a copy of the property disclosure statement to the buyer.

The Prospective Buyer's real estate broker/broker-salesperson/ salesperson also acknowledges receipt of the Property Disclosure Statement form for the purpose of providing it to the Prospective Buyer.

**SELLER'S REAL ESTATE BROKER/BROKER-SALESPERSON/SALESPERSON:**

\_\_\_\_\_

DATE: \_\_\_\_\_

**PROSPECTIVE BUYER'S REAL ESTATE BROKER/BROKER-SALESPERSON/SALESPERSON:**

\_\_\_\_\_

DATE: \_\_\_\_\_