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State of New Jersey

Department of Weights and Measures

ACT regulating the business of buying or receiving poultry; providing for the licensing of dealers and brokers who buy, receive or negotiate the sale of poultry, prescribing penalties for violations of the provisions thereof and making an appropriation therefor.

Chapter 248, P. L. N. J. 1942



TRENTON, NEW JERSEY

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DEPARTMENT OF LAW AND PUBLIC SAFETY

Division of Weights and Measures

New Jersey
State Department of Weights and Measures

CHAPTER 248, P. L. N. J. 1942

AN ACT regulating the business of buying or receiving poultry; providing for the licensing of dealers and brokers who buy, receive or negotiate the sale of poultry, prescribing penalties for violations of the provisions thereof and making an appropriation therefor.

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

1. As used in this act:

(a) "Dealer" means any person engaged in the business of buying or receiving any live poultry from poultry raisers for the purpose of sale, resale or manufacture.

(b) "Broker" means any person engaged in the business of soliciting or negotiating the sale or exchange of live poultry on behalf of poultry raisers.

(c) "Agent" means any person buying, receiving, soliciting or negotiating the sale of live poultry from poultry raisers on behalf of any dealer or broker.

(d) "Department" means the State Department of Weights and Measures.

(e) "Weights and measures officer" means the State Superintendent of Weights and Measures or his assistants or inspectors, county superintendents of weights and measures or their assistants or inspectors, and municipal superintendents of weights and measures or their assistants and inspectors.

(f) "Person" means any individual, association, firm, partnership or corporation.

(g) "Poultry" means domestic fowl, such as chickens, turkeys, ducks, geese and guineas not sold for show or breeding purposes.

(h) "Poultry raiser" means any person engaged in the business of raising poultry or any legally incorporated agricultural co-operative association.

2. All live poultry shall be bought by avoirdupois net weight and it shall be unlawful for any person to buy or receive or cause to be bought or received for the purpose

of resale or manufacture, as dealer, broker, agent or otherwise, any poultry unless the same is weighed on suitable scales which have been tested and sealed by an authorized weights and measures officer; and the purchase of live poultry by the lot, the pen or by the flock is prohibited under the terms of this act; provided, however, that where special circumstances exist and are shown, the State superintendent or a county or municipal superintendent may, upon request, give approval to a sale of live poultry by the lot, pen or flock and such sale shall not come within the provisions of this act.

3. It shall be unlawful for any person to buy or receive or cause to be bought or received, as dealer, broker or agent, any live poultry unless at the time of purchase the seller or poultry raiser is given a weight ticket on a form to be furnished by the buyer on which is distinctly expressed the name and address of the buyer or dealer, the quantity of the poultry in terms of avoirdupois net weight, the number of units of the poultry, and where crates or other containers are used in connection with the purchase of said poultry, the number of crates and containers so used, together with the tare weight of such crates or containers; where a broker or agent is a party to or negotiates the sale or receipt of poultry his name and address shall also be distinctively expressed on the ticket. The ticket shall be made out in duplicate, one copy to be given to the seller or poultry raiser and the other to be retained by the buyer for a period of one year during which period it shall be subject at any time to inspection by a duly authorized weights and measures officer.

4. It shall be unlawful for any person to engage in business as dealer or broker or act as agent for a dealer or broker unless licensed as provided in this act. No agent shall act for any dealer or broker unless such dealer or broker is licensed, has designated such agent to act on his behalf, has notified the department of such designation either in his application for license or by an official notice in writing and has requested the department to issue such agent an agent's license. The dealer and broker shall be accountable for the acts of such agent.

5. Application for a license shall be made upon a form to be supplied by the superintendent of the department and the said superintendent shall issue such license for each calendar year or fraction thereof in which said

business is conducted upon the payment of a fee of ten dollars (\$10.00), where application is made by a dealer or broker, and a fee of two dollars (\$2.00) where application is made by an agent. Every license shall expire and the certificate thereof become void on the thirty-first day of December of each year.

The application shall state the nature of the business, the full name of the person applying for the license, and if the applicant be a firm, association, partnership or corporation, the full name of each member of the firm, association or partnership or the name of the officers of the corporation, and the names of the agents of the applicant, the municipality and the post-office address at which the business is to be conducted, and such other facts as the superintendent of the department shall prescribe. The applicant shall further satisfy the superintendent of the department of his or its character, financial responsibility and good faith in seeking to engage in business.

Every vehicle used in the business of the licensee for the transportation of live poultry shall bear a license plate. The superintendent shall issue such plate upon application therefor together with a certificate of issuance thereof, upon the payment of one dollar (\$1.00) for each vehicle owned and used by licensee, in excess of one vehicle, and said certificate shall contain the name and address of the owner of the vehicle, together with a description of the character of the vehicle and the motor number. The holder of such certificate or the operator of such vehicle shall exhibit such certificate whenever requested to do so by a weights and measures officer, and it shall be unlawful to use or operate any such vehicle without such license plate being securely and conspicuously attached thereto and unless such certificate of issuance shall be carried at all times on the vehicle to which it applies. No such license plate shall be interchangeable or transferable. Every license plate and the certificate of issuance thereof shall expire and become void on the thirty-first day of December of each year.

No license plate shall be issued to any person for a vehicle not owned by him; provided, however, that liens or encumbrances on any vehicle shall not be deemed to deprive the owner of a right to a license plate for such vehicle.

6. In addition to the license, the superintendent of the department shall deliver to each licensee a pocket card of

such size as shall be designated by the said superintendent of the department, which card shall contain the name and address of the licensee, and, in case of an agent's license, the name and address of the employer of the licensed agent, and such other information as the superintendent of the department shall prescribe. The card shall certify that the person whose name appears thereon has been duly licensed as a dealer, broker or agent, as the case may be. The licensee shall carry such card at all times when buying, receiving, exchanging, transporting or soliciting or negotiating the sale of poultry.

7. The superintendent of the department may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any dealer, broker or agent, or any person who assumes to act in such capacity within this State; and the superintendent may refuse to grant or may revoke a license for the following causes:

(a) Where there has been a failure to account for or make prompt settlement for any live poultry received, bought, solicited or negotiated;

(b) Where inaccurate or false weights are given;

(c) Failure to keep records required by the superintendent or by law or when there has been a failure to produce such records and other documents when called upon to do so by the superintendent;

(d) Continued failure to comply with the provisions of this act or for any dishonest, deceptive or fraudulent practice.

8. The superintendent of the department shall before refusing to grant or revoke any license and at least ten days prior to the date set for the hearing, notify the applicant or the licensee, in writing, of any cause for refusal to grant a license or for the revocation of a license, and afford him an opportunity to be heard in person or by counsel. Such written notice may be served either personally or sent by registered mail to the last known address of the applicant or licensee. If the licensee is an agent, the superintendent of the department shall also notify the dealer or broker employing him, specifying the charges made against such agent, by sending a notice thereof by registered mail to the last known address of the dealer or broker.

9. The superintendent of the department shall have the power to subpoena and bring before him any person

in this State, or take testimony by deposition, or require the production of any records or documents of any licensee or applicant.

10. The superintendent of the department shall have general supervision of the administration of this act and shall make such rules and regulations as he may deem necessary for its enforcement and all weights and measures officers in this State, in addition to their various powers and duties now provided for by law, are hereby charged with the duty of enforcing and executing the provisions of this act.

11. Where crates or other containers containing live poultry as originally purchased by the buyer are transferred from one vehicle to another for the purpose of transportation, the weight ticket covering each crate or container so transferred shall accompany the same; each crate or container shall be marked by means of a tag firmly fixed or attached thereto with the name and address of the person from whom the poultry in such crate or container was bought.

It shall be unlawful for any dealer, broker or agent of such dealer or broker to transfer or cause the transfer of poultry from one crate or container to another before returning to a warehouse, established place of business or distribution point; provided, however, if part of the live poultry is sold before returning to any of the said locations it shall be lawful if at the time of sale, a sales slip or ticket is made out, in duplicate, showing his name and address, the name and address of the person to whom the poultry is sold, the number of units of poultry and the avoirdupois net weight of the same, together with identification of the crate or container from which the poultry was taken. The original copy of the sales ticket shall be given to the person buying the said poultry and the duplicate copy shall be retained by the seller for a period of one year and shall be subject at all times to inspection by a duly authorized weights and measures officer.

12. The provisions of this act shall not apply to any legally incorporated agricultural co-operative association in dealings with its members, nor to storekeepers having not more than two stores where poultry is bought in small quantities and foods of all kinds are sold at retail, nor to any hotel, restaurant or establishment where poultry is bought for consumption on the premises.

13. Any person who violates any of the provisions of this act, upon being found guilty, shall pay a fine not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for the first offense, nor less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the second offense, and not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) for the third or subsequent offense. If unable to forthwith pay any fine the violator shall be committed to the county jail for a period not exceeding ninety days. The procedure for the recovery of a fine shall be the same as the procedure specified in sections 51:1-103 to 52:1-108 of the Revised Statutes. Jurisdiction of all cases arising out of violations of the provisions of this act is hereby conferred upon all justices of the peace, judges of the city criminal courts, police judges and court recorders located in the county in which such violations are committed. In any proceeding process shall be the same as that provided for in said sections 51:1-103 to 51:1-108, and any weights and measures office shall have the power to arrest any violator without a warrant where there is a violation within his view and to take him to a court having jurisdiction in the municipality where the arrest is made or the violation committed.

14. The superintendent of the department shall have the same powers as county and municipal superintendents of weights and measures as issuing agents through whom the license plates and certificates provided for in this act may be issued to applicants in their respective counties and municipalities. All moneys collected by the said county or municipal superintendents shall be transmitted to the State superintendent, on or before the twenty-fifth day of the month following the date of issue. The moneys thereupon be turned over to the State Treasurer who shall make distribution thereof on the dates and in the manner provided for in section 51:8-13 of the Revised Statutes.

15. There is hereby appropriated the sum of three thousand dollars (\$3,000.00) to the department for the purpose of commencing the administration and maintenance of this act.

16. Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, the validity of the act as a whole or any other part thereof shall not be affected.

17. Approved May 23, 1942.