

## ADMINISTRATIVE RULES

- 13:45A-9.4 Price reduction advertisements; items of merchandise specifically advertised at a price of more than \$100.00
- 13:45A-9.5 Price reduction advertisements; merchandise advertised as a savings of a percentage or a range of percentages
- 13:45A-9.6 Pricing; prohibition on fictitious pricing and methods of substantiation
- 13:45A-9.7 Application of regulation
- 13:45A-9.8 Retail discounts in scanner stores; percentage-off discounts; point-of-sale discounts; multi-tiered pricing offers; targeted discounts

### SUBCHAPTER 10. SERVICING AND REPAIRING OF HOME APPLIANCES

- 13:45A-10.1 Definitions
- 13:45A-10.2 Required information
- 13:45A-10.3 Deceptive practices
- 13:45A-10.4 Exceptions
- 13:45A-10.5 Violations

### SUBCHAPTER 11. (RESERVED)

### SUBCHAPTER 12. SALE OF ANIMALS

- 13:45A-12.1 Definition
- 13:45A-12.2 General provisions
- 13:45A-12.3 Required practices related to the health of animals and fitness for sale and purchase

### SUBCHAPTER 13. POWERS TO BE EXERCISED BY COUNTY AND MUNICIPAL OFFICERS OF CONSUMER AFFAIRS

- 13:45A-13.1 Statement of general purpose and intent
- 13:45A-13.2 Definitions
- 13:45A-13.3 General provisions
- 13:45A-13.4 Qualifications of county or municipal director
- 13:45A-13.5 Termination of authority to exercise delegated authority
- 13:45A-13.6 Delegated powers
- 13:45A-13.7 Limitations; litigation
- 13:45A-13.8 Restrictions; powers
- 13:45A-13.9 (Reserved)

### APPENDIX

### SUBCHAPTER 14. UNIT PRICING OF CONSUMER COMMODITIES IN RETAIL ESTABLISHMENTS

- 13:45A-14.1 General provisions
- 13:45A-14.2 Definitions
- 13:45A-14.3 Persons and operations exempted from complying with Unit Price Disclosure Act
- 13:45A-14.4 Regulated consumer commodities and their approved units of measure
- 13:45A-14.5 Exempt consumer commodities
- 13:45A-14.6 Calculation of the numerical unit price of a regulated consumer commodity
- 13:45A-14.7 Unit price labels approved for display
- 13:45A-14.8 Unit price signs and unit price lists
- 13:45A-14.9 Unit price tags
- 13:45A-14.10 Means of disclosing unit price information
- 13:45A-14.11 Placement of unit price information on consumer commodities by nonretailers
- 13:45A-14.12 (Reserved)
- 13:45A-14.13 Nonintentional technical errors
- 13:45A-14.14 Waiver of unit price requirements
- 13:45A-14.15 Penalties

### SUBCHAPTER 15. DISCLOSURE OF REFUND POLICY IN RETAIL ESTABLISHMENT

- 13:45A-15.1 Definitions
- 13:45A-15.2 Unlawful practices

- 13:45A-15.3 Exemption
- 13:45A-15.4 Remedy

### SUBCHAPTER 16. HOME IMPROVEMENT PRACTICES

- 13:45A-16.1 Purpose and scope
- 13:45A-16.1A Definitions
- 13:45A-16.2 Unlawful practices

### SUBCHAPTER 17. HOME IMPROVEMENT CONTRACTOR REGISTRATION

- 13:45A-17.1 Purpose and scope
- 13:45A-17.2 Definitions
- 13:45A-17.3 Registration required
- 13:45A-17.4 Exemptions
- 13:45A-17.5 Initial and renewal applications
- 13:45A-17.6 Disclosure statement
- 13:45A-17.7 Duty to update information
- 13:45A-17.8 Requirement to cooperate
- 13:45A-17.9 Refusal to issue, suspension or revocation of registration; hearing; other sanctions
- 13:45A-17.10 Reinstatement of suspended registration
- 13:45A-17.11 Ownership and use of registration number; replacement and duplicate certificates
- 13:45A-17.12 Mandatory commercial general liability insurance
- 13:45A-17.13 Requirements of certain home improvement contracts
- 13:45A-17.14 Fees

### SUBCHAPTER 18. PLAIN LANGUAGE REVIEW

- 13:45A-18.1 Fee for contract review

### SUBCHAPTER 19. PETITION FOR RULEMAKING

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

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

- 13:45A-20.1 Definitions
- 13:45A-20.1A (Reserved)
- 13:45A-20.2 Registration
- 13:45A-20.3 Fees: new or renewal certificate of registration
- 13:45A-20.4 Place of business
- 13:45A-20.5 Sale or exchange
- 13:45A-20.6 Records
- 13:45A-20.7 Advertising

### SUBCHAPTER 21. REGULATIONS CONCERNING THE SALE OF FOOD REPRESENTED AS KOSHER

- 13:45A-21.1 Definitions
- 13:45A-21.2 Disclosure requirements
- 13:45A-21.3 Labeling requirements
- 13:45A-21.4 Recordkeeping requirements
- 13:45A-21.5 Filing requirements
- 13:45A-21.6 Inspections of dealers
- 13:45A-21.7 Unlawful practices
- 13:45A-21.8 Presumptions

### SUBCHAPTER 22. HALAL FOOD

- 13:45A-22.1 Purpose and scope
- 13:45A-22.2 Definitions
- 13:45A-22.3 Disclosure statement; posting of disclosure
- 13:45A-22.4 Oral disclosure
- 13:45A-22.5 Reliance on representation; good faith; defense
- 13:45A-22.6 Recordkeeping requirements
- 13:45A-22.7 Presumptions
- 13:45A-22.8 Inspection of dealers
- 13:45A-22.9 (Reserved)
- 13:45A-22.10 Unlawful practices

### APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

SUBCHAPTER 23. DECEPTIVE PRACTICES  
CONCERNING WATERCRAFT REPAIR

- 13:45A-23.1 Definitions
- 13:45A-23.2 Deceptive practices: watercraft repairs

SUBCHAPTER 24. TOY AND BICYCLE SAFETY

- 13:45A-24.1 Purpose and scope
- 13:45A-24.2 Reporting of toy-related injuries
- 13:45A-24.3 Recall notices for children's products
- 13:45A-24.4 Bicycle safety notices

SUBCHAPTER 24A. FLAME RESISTANCE STANDARDS  
FOR TENTS AND SLEEPING BAGS

- 13:45A-24A.1 Definitions
- 13:45A-24A.2 Flame resistance standards

SUBCHAPTER 25. SELLERS OF HEALTH CLUB  
SERVICES

- 13:45A-25.1 "Health club" defined
- 13:45A-25.2 Registration; fees
- 13:45A-25.3 Exemption from registration
- 13:45A-25.4 Exemption from security requirement
- 13:45A-25.5 Documentation of maintenance of security
- 13:45A-25.6 Health club contracts
- 13:45A-25.7 Violations; sanctions

SUBCHAPTER 26. AUTOMOTIVE DISPUTE RESOLUTION

- 13:45A-26.1 Purpose and scope
- 13:45A-26.2 Definitions
- 13:45A-26.3 Statements to consumer; other notices
- 13:45A-26.4 Lemon Law Unit
- 13:45A-26.5 Preliminary steps to initiate a Lemon Law action within the Division of Consumer Affairs Lemon Law Unit
- 13:45A-26.6 Eligibility
- 13:45A-26.7 Application
- 13:45A-26.8 Filing fee
- 13:45A-26.9 Processing of applications
- 13:45A-26.10 Notification and scheduling of hearings
- 13:45A-26.11 Computation of refund
- 13:45A-26.12 Final decision
- 13:45A-26.13 Appeals
- 13:45A-26.14 Manufacturer's reporting requirements
- 13:45A-26.15 Index of disputes

SUBCHAPTER 26A. MOTOR VEHICLE ADVERTISING  
PRACTICES

- 13:45A-26A.1 Scope
- 13:45A-26A.2 Application
- 13:45A-26A.3 Definitions
- 13:45A-26A.4 Bait and switch
- 13:45A-26A.5 Advertisements; mandatory disclosure requirements in all advertisements for sale
- 13:45A-26A.6 Advertisements: mandatory disclosure in advertisements for lease of a new or used motor vehicle
- 13:45A-26A.7 Unlawful advertising practices
- 13:45A-26A.8 Certain credit and installment sale advertisements
- 13:45A-26A.9 On-site disclosures
- 13:45A-26A.10 Record of transactions

SUBCHAPTER 26B. AUTOMOTIVE SALES PRACTICES

- 13:45A-26B.1 Definitions
- 13:45A-26B.2 Unlawful practices

SUBCHAPTER 26C. AUTOMOTIVE REPAIRS

- 13:45A-26C.1 Definitions
- 13:45A-26C.2 Deceptive practices; automotive repairs

SUBCHAPTER 26D. TIRE DISTRIBUTORS AND DEALERS

- 13:45A-26D.1 General provisions
- 13:45A-26D.2 Deceptive practices
- 13:45A-26D.3 Violations

SUBCHAPTER 26E. MOTORIZED WHEELCHAIR  
DISPUTE RESOLUTION

- 13:45A-26E.1 Purpose and scope
- 13:45A-26E.2 Definitions
- 13:45A-26E.3 Manufacturer warranty
- 13:45A-26E.4 Wheelchair Lemon Law Unit
- 13:45A-26E.5 Repair of nonconformity
- 13:45A-26E.6 Eligibility
- 13:45A-26E.7 Application
- 13:45A-26E.8 Filing fee
- 13:45A-26E.9 Processing of applications
- 13:45A-26E.10 Notification and scheduling of hearings
- 13:45A-26E.11 Computation of refund
- 13:45A-26E.12 Final decision
- 13:45A-26E.13 Appeals
- 13:45A-26E.14 Manufacturer's informal dispute resolution system
- 13:45A-26E.15 Index of disputes

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

- 13:45A-26F.1 Purpose and scope
- 13:45A-26F.2 Definitions
- 13:45A-26F.3 Dealer warranty; form; scope; purchaser's obligations
- 13:45A-26F.4 Waiver of warranty
- 13:45A-26F.5 Bond requirement
- 13:45A-26F.6 Administrative fee
- 13:45A-26F.7 Procedures regarding repair of material defect
- 13:45A-26F.8 Used Car Lemon Law Unit; duties; address
- 13:45A-26F.9 Procedures for resolving a complaint
- 13:45A-26F.10 Application for dispute resolution
- 13:45A-26F.11 Processing of applications
- 13:45A-26F.12 Notification of scheduling of hearings
- 13:45A-26F.13 Final decision
- 13:45A-26F.14 Computation of refund
- 13:45A-26F.15 Appeals
- 13:45A-26F.16 Dealer's informal dispute resolution procedures
- 13:45A-26F.17 Index of disputes
- 13:45A-26F.18 Violations

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

SUBCHAPTER 27. NEW JERSEY UNIFORM  
PRESCRIPTION BLANKS PROGRAM

- 13:45A-27.1 Purpose and scope
- 13:45A-27.2 Definitions
- 13:45A-27.3 NJPB required for prescriptions
- 13:45A-27.4 Recordkeeping, reporting, and security requirements for licensed prescribers, healthcare facilities, and pharmacists
- 13:45A-27.5 Group practice
- 13:45A-27.6 Vendor application
- 13:45A-27.7 Manufacture and distribution by approved vendors; withdrawal or termination from NJPB program
- 13:45A-27.8 NJPB printing specifications
- 13:45A-27.9 Vendor requirements

1. The total cost of the installment sale, which shall include the down payment or trade-in or rebate, if any, plus the total of the scheduled periodic payments;
2. The annual percentage rate;
3. The monthly payment figure and the number of required payments; and
4. The amount of any down payment or trade-in required or a statement that none is required.

(b) The following motor vehicle advertising practices concerning credit and installment sale advertisements shall be unlawful:

1. The advertising of credit, including but not limited to such terms as "easy credit" or "one-day credit", other than that actually provided by the advertiser on a regular basis in the ordinary course of business;
2. The use or statement of an installment payment on any basis other than a monthly basis.

Recodified from 13:45A-2.8 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

### 13:45A-26A.9 On-site disclosures

(a) The following information relating to an advertised motor vehicle must be provided at the main entrance(s) to the business premises where the motor vehicle is displayed or in proximity to the vehicle or on the vehicle itself:

1. A copy of any printed advertisement that quotes a price for the sale or lease of that vehicle; alternatively, a tag may be attached to the motor vehicle(s) stating the advertised price as well as the other information required in N.J.A.C. 13:45A-26A.5 or 26A.6.
2. A fuel economy label, if required by the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. § 2006; and
3. The Used Car Buyers Guide, if required by the Federal Trade Commission's Used Car Rule, 16 C.F.R. Part 455.2.

(b) A dealer shall not advertise a new motor vehicle which does not have the Monroney label, if required by the Automobile Information Disclosure Act, 15 U.S.C. §§ 1231-1233.

(c) It shall be an unlawful practice to fail to comply with the disclosures required by this section.

Recodified from 13:45A-2.9 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

Amended by R.2000 d.460, effective November 20, 2000.

See: 32 N.J.R. 3282(a), 32 N.J.R. 4126(a).

In (a)1, amended the N.J.A.C. reference.

### 13:45A-26A.10 Record of transactions

(a) An advertiser shall have a motor vehicle advertised for sale on premises and available for sale at the advertised price during the period of publication, or a record of the sale of that vehicle at the advertised price or less during that period. An advertiser shall have a motor vehicle advertised for lease available for lease at the advertised price during the period of publication, or a record of the lease of that vehicle at the advertised price or less during that period. Such record shall consist of all applicable advertisements and a copy of the executed contract with the purchaser or lessee of the vehicle; this documentation shall be maintained for 180 days after the transaction and shall be made available for inspection by the Division of Consumer Affairs.

(b) If the motor vehicle is sold or leased during the period of publication, the advertiser must so notify consumers who inquire by telephone or in person.

(c) It shall be an unlawful practice to fail to comply with the requirements of this section.

Recodified from 13:45A-2.10 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

---

## 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.

"Automotive dealer" means any person as defined by N.J.S.A. 56:8-1(d) who in the ordinary course of business is engaged in the sale of motor vehicles at retail or who in the course of any 12 month period offers more than 3 motor vehicles for sale, lease, or rental, or who is engaged in the brokerage of motor vehicles whether for sale, lease, or rental;

"Documentary service fee" means any monies or other thing of value which an automotive dealer accepts from a consumer in exchange for the performance of certain documentary services which include, but are 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 of a motor vehicle to said consumer;

"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 pre-delivery services upon a motor vehicle, and includes, but is not limited to, items which are often described or labeled as dealer preparation, vehicle preparation, predelivery service, handling and delivery, or any other term of similar import;

“Sales document” means the first document which an automotive dealer utilizes to evidence an order for, deposit towards, or contract for the purchase of a motor vehicle by a consumer, and includes but is not limited to, retail orders, sales invoices, sales contracts, retail installment contracts, and other documents of similar import.

Recodified from 13:45A-6.1 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

#### Case Notes

In a Consumer Fraud Act case, as long as a consumer is able to demonstrate a loss that is quantifiable and measurable, the consumer need not demand a refund of any overcharge prior to filing suit in order to satisfy the Act’s “ascertainable loss” requirement. In so holding, the New Jersey Court of Appeals parted company with the decision in *Feinberg v. Red Bank Volvo*, 331 N.J. Super. 506 (App.Div. 2000), *Bosland v. Warnock Dodge*, 396 N.J. Super. 267, 933 A.2d 942, 2007 N.J. Super. LEXIS 329 (App.Div. 2007).

Plaintiff sufficiently alleged a regulatory violation due to a car dealership overcharging for a registration fee; plaintiff was not required to have demanded a refund before filing suit. As plaintiff sufficiently alleged a consumer fraud claim, pursuant to N.J.S.A. 56:8-1 to 56:8-20, plaintiff also stated a claim under the Truth-in-Consumer Contract, Warranty and Notice Act, N.J.S.A. 56:12-14 to 56:12-18, based on the same allegations. *Bosland v. Warnock Dodge*, 396 N.J. Super. 267, 933 A.2d 942, 2007 N.J. Super. LEXIS 329 (App.Div. 2007).

### 13:45A-26B.2 Unlawful practices

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following practices involving the sale of motor vehicles by automotive dealers shall be unlawful thereunder.

#### 1. With respect to pre-delivery service fees:

i. Accepting, charging, or obtaining 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;

ii. Accepting, charging, or obtaining 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 on the sales document the price for each specific pre-delivery service;

iii. Except in connection with the sale of used motor vehicles, failing to conspicuously place upon the front of the sales document which contains a pre-delivery service fee, in ten-point bold face type, the following statement:

“You have a right to a written itemized price for each specific pre-delivery service which is to be performed. The automotive dealer may not charge for pre-delivery services for which the automotive dealer is reimbursed by the manufacturer.”

#### 2. With respect to documentary service fees:

i. Accepting, charging, or obtaining 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 on the sale document the price for each specific documentary service; or

ii. Representing to a consumer that a governmental entity requires the automotive dealer to perform any documentary service;

iii. Failing to conspicuously place upon the front of the sales document which contains a documentary service fee, in ten-point bold face type, the following:

“You have a right to a written itemized price for each specific documentary service which is to be performed.”

Recodified from 13:45A-6.2 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

#### Case Notes

In a Consumer Fraud Act case, as long as a consumer is able to demonstrate a loss that is quantifiable and measurable, the consumer need not demand a refund of any overcharge prior to filing suit in order to satisfy the Act’s “ascertainable loss” requirement. In so holding, the New Jersey Court of Appeals parted company with the decision in *Feinberg v. Red Bank Volvo*, 331 N.J. Super. 506 (App.Div. 2000), *Bosland v. Warnock Dodge*, 396 N.J. Super. 267, 933 A.2d 942, 2007 N.J. Super. LEXIS 329 (App.Div. 2007).

Plaintiff sufficiently alleged a regulatory violation due to a car dealership overcharging for a registration fee; plaintiff was not required to have demanded a refund before filing suit. As plaintiff sufficiently alleged a consumer fraud claim, pursuant to N.J.S.A. 56:8-1 to 56:8-20, plaintiff also stated a claim under the Truth-in-Consumer Contract, Warranty and Notice Act, N.J.S.A. 56:12-14 to 56:12-18, based on the same allegations. *Bosland v. Warnock Dodge*, 396 N.J. Super. 267, 933 A.2d 942, 2007 N.J. Super. LEXIS 329 (App.Div. 2007).

Automobile dealership engaged in unconscionable business practice when it caused consumer to pay for pre-delivery services, including rustproofing, undercoating, paint sealer and fabric guard, that consumer had explicitly rejected and that were not disclosed in final sales agreement. *Delaney v. Garden State Auto Park*, 318 N.J. Super. 15, 722 A.2d 967 (A.D.1999).

## SUBCHAPTER 26C. AUTOMOTIVE REPAIRS

### 13:45A-26C.1 Definitions

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

“Automotive repair dealer” means any person who, for compensation, engages in the business of performing or employing persons who perform maintenance, diagnosis or repair services on a motor vehicle or the replacement of parts including body parts, but excluding those persons who

engage in the business of repairing motor vehicles of commercial or industrial establishments or government agencies, under contract or otherwise, but only with respect to such accounts.

“Customer” means the owner or any family member, employee or any other person whose use of the vehicle is authorized by the owner.

“Director” means the Director of the Division of Consumer Affairs.

“Motor vehicle” means a passenger vehicle that is registered with the Division of Motor Vehicles of New Jersey or of any other comparable agency of any other jurisdiction, and all motorcycles, whether or not registered.

“Repair of motor vehicles” means all maintenance and repairs of motor vehicles performed by an automotive repair dealer but excluding changing tires, lubricating vehicles,

changing oil, installing light bulbs, batteries, windshield wiper blades and other minor accessories and services. No service or accessory to be installed shall be excluded for purposes of this rule if the Director determines that performance of the service or the installation of an accessory requires mechanical expertise has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

Recodified from 13:45A-7.1 by R.1995 d.618, effective December 4, 1995.

See: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

#### Case Notes

“Automotive repair dealer” defined. *Levin v. Lewis*, 179 N.J.Super. 193, 431 A.2d 157 (App.Div.1981).

Broad sweep of regulations brought respondent restorer of antique and classic cars within the definition of automotive repair dealer. *Levin v. Lewis*, 6 N.J.A.R. 85 (1980) affirmed 179 N.J.Super. 193, 431 A.2d 157 (App.Div.1981).