

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, Merch-
andise 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 Deal-
ers, 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).

Subchapter 30, Vehicle Protection Product Warranties, was adopted as new rules by R.2009 d.192, effective June 15, 2009. See: 40 N.J.R. 6404(a), 41 N.J.R. 2493(a).

Subchapter 6, Internet Dating Services, was adopted as new rules by R.2009 d.240, effective August 3, 2009. See: 40 N.J.R. 3957(a), 41 N.J.R. 2977(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

SUBCHAPTER 6. INTERNET DATING SERVICES

13:45A-6.1 Purpose and scope

13:45A-6.2 Definitions

13:45A-6.3 Criminal background information

13:45A-6.4 Date of criminal background information

SUBCHAPTERS 7 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

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 Pre-delivery service fees
- 13:45A-26B.3 Documentary service fee
- 13:45A-26B.4 Violations

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

- 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 30. VEHICLE PROTECTION PRODUCT WARRANTIES

- 13:45A-30.1 Purpose and scope
- 13:45A-30.2 Definitions
- 13:45A-30.3 Registration and renewal requirements
- 13:45A-30.4 Vehicle protection product warranty requirements

- 13:45A-30.5 Warranty reimbursement insurance policy requirements for registration of warrantors
- 13:45A-30.6 Registration exemptions
- 13:45A-30.7 Unlawful practices
- 13:45A-30.8 Violations
- 13:45A-30.9 Fees

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.

Amended by R.1995 d.618, effective December 4, 1995.
 Sec: 27 N.J.R. 3566(a), 27 N.J.R. 4899(b).

13:45A-5.4 Violations; sanctions

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 violation of the provisions of this subchapter shall be subject to the sanctions contained in said Consumer Fraud Act.

SUBCHAPTER 6. INTERNET DATING SERVICES

13:45A-6.1 Purpose and scope

(a) The purpose of this subchapter is to require Internet dating services to make disclosures in addition to those required by P.L. 2007, c. 272, N.J.S.A. 56:8-168 et seq. (Act), in order to effectuate the purposes of the Act.

(b) The subchapter applies to Internet dating services that offer dating services over the Internet to residents of the State and accept membership applications from residents of the State.

13:45A-6.2 Definitions

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

“Criminal background screening” means a name search for a person’s criminal convictions initiated by an on-line dating service provider and conducted by one of the following means:

1. By searching available and regularly updated government public record databases for criminal convictions, so long as such databases, in the aggregate, provide substantial national coverage; or
2. By searching a database maintained by a private vendor that is regularly updated and is maintained in the United States with substantial national coverage of criminal history records and sexual offender registries.

“Internet dating service” means a person or entity directly or indirectly in the business of offering, promoting or providing access to dating, relationship, compatibility, matrimonial or social referral services principally on or through the Internet for profit, where the profit is derived from fees from members, advertising, or any other source.

“Member” means a customer, client or participant who submits to an Internet dating service information required to access the service for the purpose of engaging in dating, relationship, compatibility, matrimonial or social referral.

“New Jersey member” means a member who provides a New Jersey address or zip code when registering with the service.

13:45A-6.3 Criminal background information

(a) An Internet dating service that conducts criminal background screenings on its members shall, in addition to the disclosures required by P.L. 2007, c. 272 (N.J.S.A. 56:8-171(d)), disclose, clearly and conspicuously, to all New Jersey members:

1. The means that it uses to conduct the criminal background screenings;
2. A description of how the criminal background screening is conducted, including how the means disclosed pursuant to (a)1 above are utilized, whether it updates criminal background screening information, and if so, how often the update is performed;
3. Whether it allows a member who has been identified as having a conviction for any crime, including, but not limited to, any sex offense, that would qualify the offender for registration pursuant to section 2 of P.L. 1994, c. 133 (N.J.S.A. 2C:7-2) or under another jurisdiction’s equivalent statute to have access to its service to communicate with any New Jersey member; and
4. What crimes, if any, disqualify a member from having access to its service to communicate with any New Jersey member.

(b) The disclosures required by (a) above shall be provided in bold letters in at least 12-point type on the website pages on which a New Jersey member is requested to provide personal information. The disclosures may be provided on a single webpage, such as the home page, provided that a link to the disclosures is conspicuously displayed on all the webpages on which a New Jersey member is requested to provide personal information.

13:45A-6.4 Date of criminal background information

An Internet dating service that discloses that it conducts a criminal background screening on members shall conspicuously display on the webpage containing a member’s profile the service’s policy, or a link to the policy, regarding the updating of criminal background screening information.

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

SUBCHAPTER 9. GENERAL ADVERTISING

13:45A-9.1 Definitions

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

“Advertisement” means any attempt by an advertiser, other than by use of a price tag, catalog or any offering for the sale

of a motor vehicle subject to the requirements of N.J.A.C. 13:45A-26A, to directly or indirectly induce the purchase or rental of merchandise at retail, appearing in any newspaper, magazine, periodical, circular, in-store or out-of-store sign or other written matter placed before the consuming public, or in any radio broadcast, television broadcast, electronic medium or delivered to or through any computer.

“Advertiser” 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 or rental of merchandise at retail and who placed, either directly or through an advertising agency, an advertisement before the public.

“Catalog” means a multi-page solicitation in which a seller offers goods for sale or rental for a seasonal or specified period of time, from which consumers can order goods directly without going to the seller’s place of business. An advertising circular, distributed through inclusion in a newspaper, representing a seller’s partial offering of goods for sale or rental for a period of time not to exceed two weeks, shall not be considered a catalog.

“Closeout sale” means a sale in which an advertiser offers for sale at a reduced price items of merchandise remaining at one or more specified locations which the advertiser will not have available for sale within a reasonable period of time after all such items have been sold.

“Division” means the Division of Consumer Affairs.

“Factory outlet” means an establishment owned by a manufacturer that is used primarily to offer, at retail, the manufacturer’s products directly to the consumer for his or her own use and not for resale.

“Fictitious former price” means an artificially inflated price for an item or items of merchandise established for the purpose of enabling the advertiser to subsequently offer the item or items at a large reduction.

“Former price or price range” in a price reduction advertisement means an advertised price or price range for an item of merchandise that has been offered or sold by the advertiser in his or her trade area or competitors in their trade area.

“Home appliance” means any electrical, mechanical or thermal article produced or distributed for sale to a consumer for use in or around a permanent or temporary household or residence including, but not limited to, air conditioners, cameras, computers, dehumidifiers, dishwashers, dryers, electric blankets, electronic games, fans, freezers, motorized kitchen aids, ovens, radios, ranges, refrigerators, stereo equipment, televisions and washers.

“Merchandise” means any objects, wares, goods, commodities, services or anything offered directly or indirectly to the public for sale or rental at retail.

“Multi-tiered pricing” means a form of offer where the price of merchandise or the extent of a discount is contingent upon the consumer’s merchandise selections, such as the

number of units purchased, the purchase of other merchandise pursuant to the terms of the advertiser’s offer, or the total dollar amount of the consumer’s order, for example, “Buy two cans of soda, get a third can at half price.”

“Percentage-off discount” means an offer to sell merchandise expressed in terms of a percentage reduction or range of percentage reductions in price, such as “10% off” or “25% to 50% off.”

“Point of display” means a location within a retail establishment where an item of merchandise is displayed for the purpose of selection by the consumer with the intention of purchase.

“Point of sale” means any location in a retail establishment where purchases of merchandise are totaled by a scanner and payment is made by a consumer.

“Point of sale discount” means a price reduction which, although it is advertised or posted at the point of display, is automatically applied to reduce the retail price of the merchandise at the time it is scanned for consumer purchase, or a price reduction manually entered through a cash reduction or similar device, then scanned for consumer purchase.

“Price advertisement” means any advertisement in which a specific dollar price is stated with regard to specific advertised merchandise.

“Price reduction advertisement” means an advertisement which in any way states or suggests directly or indirectly that merchandise is being offered or made available for sale at a price less than that at which it has been routinely sold or offered for sale in the past or at which it will be sold or offered for sale in the future. The following words and terms or their substantial equivalent, when used in any advertisement except when used exclusively as part of the advertiser’s corporate, partnership or trade name, shall be deemed to indicate a price reduction advertisement: sale, discount, special savings, price cut, bargain, reduced, prices slashed, clearance, regularly, usually, cut rate, originally, formerly, warehouse or factory clearance, buy one get one free, at cost, below cost, wholesale.

“Rain check” means a written statement issued by an advertiser allowing the purchase of designated merchandise at a previously advertised price.

“Scanner” means an electronic system that employs a laser bar code reader to retrieve product identity, price and other information stored in computer memory.

“Targeted discount” means a price reduction on merchandise which reduction is restricted to customers designated by the advertiser, such as those who possess a card or other device bearing a scanner-readable code issued by the advertiser, a particular type of credit card, or some other device which, when read by the scanner, shall apply the discount at the time of purchase.

warranty issued by a warrantor that is not registered with the Division pursuant to this subchapter.

(b) It shall be an unlawful practice for a person who is not registered pursuant to this subchapter to offer or issue a vehicle protection product warranty in this State.

(c) It shall be an unlawful practice for a warrantor or seller of vehicle protection products to require a retail purchaser of a motor vehicle to purchase a vehicle protection product that is not installed on the motor vehicle at the time of sale as a condition of sale or financing.

13:45A-30.8 Violations

Any violations of the rules in this subchapter shall be deemed a violation of the Consumer Fraud Act and may subject a person to the assessment of penalties pursuant to N.J.S.A. 56:8-1 et seq.

13:45A-30.9 Fees

(a) The Division shall charge the following non-refundable vehicle protection product warrantor registration fees:

1. Initial registration fee \$1,000;
2. Renewal registration fee \$1,000.