

CHAPTER 45A
ADMINISTRATIVE RULES OF THE
DIVISION OF CONSUMER AFFAIRS

Authority

N.J.S.A. 45:14-57 and 56:8-1 et seq., specifically 56:8-4; and P.L. 2009, c. 152 (N.J.S.A. 56:8-185 through 56:8-194), and P.L. 2014, c. 34.

Source and Effective Date

R.2012 d.016, effective December 14, 2011.
See: 43 N.J.R. 1130(a), 44 N.J.R. 166(b).

Chapter Expiration Date

Chapter 45A, Administrative Rules of the Division of Consumer Affairs, expires on December 14, 2018.

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 Entertainment, 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).

Subchapter 17, Home Improvement Contractor Registration, was adopted as new rules by R.2004 d.418, effective November 1, 2004

(operative November 9, 2004). See: 36 N.J.R. 3506(a), 36 N.J.R. 4984(a).

Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.2006 d.141, effective March 21, 2006. See: 37 N.J.R. 4369(a), 38 N.J.R. 1760(a).

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).

Subchapter 8, Prepaid Calling Cards, was adopted as new rules by R.2010 d.016, effective January 19, 2010. See: 41 N.J.R. 1970(a), 42 N.J.R. 497(a).

Subchapter 31, Private Property and Non-consensual Towing Companies, was adopted as new rules by R.2010 d.017, effective January 19, 2010. See: 41 N.J.R. 2206(a), 42 N.J.R. 502(a).

Subchapter 32, Prescription Drug Retail Price List, was adopted as new rules by R.2011 d.168, effective June 20, 2011. See: 42 N.J.R. 1327(a), 43 N.J.R. 1424(b).

Subchapter 33, Compassionate Use Medical Marijuana, was adopted as new rules by R.2011 d.293, effective December 5, 2011. See: 42 N.J.R. 2743(a), 43 N.J.R. 3194(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was scheduled to expire on September 17, 2013. See: 43 N.J.R. 1203(a).

Chapter 45A, Administrative Rules of the Division of Consumer Affairs, was readopted as R.2012 d.016, effective December 14, 2011. As a part of R.2012 d.016, Subchapter 15, Disclosure of Refund Policy in Retail Establishment, was repealed, effective January 17, 2012. See: Source and Effective Date. See, also, section annotations.

Subchapter 34, International Labor Matching Organizations and International Matchmaking Organizations, was adopted as new rules by R.2012 d.141, effective August 6, 2012. See: 44 N.J.R. 1185(a), 44 N.J.R. 2059(a).

Subchapter 17A, Home Elevation Contractor Registration, was adopted as special new rules by R.2014 d.160, effective October 1, 2014, (to expire May 12, 2015). See: 46 N.J.R. 2188(a).

Subchapter 17A, Home Elevation Contractor Registration, was readopted as R.2015 d.081, with concurrent proposed new rule N.J.A.C. 13:45A-17A.14, Identification badges and notice statement, not adopted, effective April 21, 2015. See: 46 N.J.R. 2188(a), 47 N.J.R. 1014(b).

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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.

v. Involving terrorism as set forth in N.J.S.A. 2C:38-1 et seq.; or

vi. Involving prostitution and related offenses as set forth in N.J.S.A. 2C:34-1; or

2. If the conviction was in another state or jurisdiction for conduct constituting any of the crimes described in (a)1 above under equivalent statutes in that state or jurisdiction.

(b) An owner, prospective owner, or employee who is notified by the Division that his or her criminal history record background check has revealed a disqualifying criminal conviction may, within 30 days after receipt of that notice, petition the Division for a review of his or her application. The request shall be in writing and shall cite reasons to substantiate the request for review, which may include, challenging the accuracy of the reported criminal record information or the submission of clear and convincing evidence of rehabilitation.

(c) In determining whether an applicant has affirmatively demonstrated rehabilitation, the Director shall consider the following:

1. The nature and seriousness of the offense;
2. The circumstances under which the offense occurred;
3. The date of the offense;
4. The age of the person when the offense was committed;
5. Whether the offense was repeated;
6. Social conditions that may have contributed to the offense; and
7. Any evidence of rehabilitation, including good conduct in the community; counseling, psychological, or psychiatric treatment; additional academic or vocational training; or personal recommendations.

(d) Within 30 days of being notified by the Division that an owner or employee's criminal history record background check has revealed a disqualifying criminal conviction, an international labor matching or matchmaking organization shall submit a certification that the owner or employee is no longer associated with the organization. Failure to comply with the requirements of this subsection may result in the suspension or revocation of the organization's registration and/or the imposition of penalties pursuant to N.J.S.A. 45:8-1 et seq.

13:45A-34.5 Information provided to recruits

(a) An international labor matching organization or an international matchmaking organization shall advise a recruit in

writing, in the recruit's native language, that the recruit has the right to ask for criminal history record information on all clients he or she may be placed in contact with.

1. Upon receipt of a request for information from a recruit, an international labor matching organization or an international matchmaking organization shall refrain from providing any further services to the recruit or to the client to facilitate future interaction between the recruit and the client until the client has submitted to the organization a complete transcript of his or her criminal history record obtained from the State Bureau of Identification in the Division of State Police, and the organization has provided this information to the recruit. The client shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(b) An international labor organization or an international matchmaking organization shall provide a recruit in writing with the telephone numbers for the Statewide Domestic Violence Hotline, available at <http://www.state.nj.us/dca/divisions/dow/programs/sdvh.html>, and the National Domestic Violence Hotline, available at <http://www.thehotline.org/>, and shall direct the recruit to the booklet entitled "Domestic Violence: The Law and You" available from the New Jersey Department of Community Affairs, Division on Women, at http://www.state.nj.us/dca/divisions/dow/publications/pdfs/dvthelawandyou_english.pdf. An international labor matching organization and an international matchmaking organization shall make the booklet available in the native language of the recruit if requested.

13:45A-34.6 Recordkeeping

(a) An international labor matching organization or an international matchmaking organization shall retain a copy of the organization's registration. The organization shall also retain a copy of the certification of each owner, prospective owner, and employee for the duration of the owner's, prospective owner's, or employee's affiliation with the organization. The certifications shall be made available upon request to members of the general public.

(b) An international labor matching organization or an international matchmaking organization shall maintain its business records for a minimum of three fiscal years. Such records shall be made available to the Division upon request.

13:45A-34.7 Violations

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