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NEW JERSEY SOLID FUEL LAWS

**Chapters 7 and 8
Revised Statutes**

**Together With
REGULATIONS**

**State Department
of
Weights and Measures**

DEPARTMENT OF LAW AND PUBLIC SAFETY

Division of Weights and Measures

**STATE SUPERINTENDENT
TRENTON, NEW JERSEY**

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NEW JERSEY
SOLID FUEL LAWS

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Chapter 7. ANTHRACITE.

Section

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51:7-1. Definitions. For the purpose of this chapter the following words shall be deemed to have the meaning herein given:

a. "Department" shall mean the state department of weights and measures.

b. "Person" shall be construed to include any individual, partnership, unincorporated association, corporation or other form of business enterprise.

c. "Weights and measures officers" shall be construed to include the state superintendent of weights and measures or his assistants or inspectors, county or assistant county superintendents of weights and measures or inspectors, and municipal or assistant municipal superintendents of weights and measures or inspectors.

Source. L. 1937, c. 174, §1, p. 418.

51:7-2. Transporting anthracite into state over highways by motor vehicles; certificate of origin required; signatures. It shall be unlawful for any person to transport over the highways of this state any anthracite brought into this state by motor vehicle from outside of this state unless such anthracite

when it crosses any boundary line of this state and at all times thereafter during the transportation thereof over the highways of this state is accompanied by an original certificate of origin signed by the person who is the owner or operator of the breaker, colliery, yard or other place of production or storage, or his duly authorized agent, where the anthracite to which the certificate of origin refers was produced or stored and also signed by the person driving or operating the motor vehicle on which said anthracite is transported into this state.

Source. L. 1937, c. 174, §2, p. 418, as am. by L. 1938, c. 242, §2, p. 547.

51:7-3. Contents of certificate of origin. The certificate of origin shall contain the following:

a. The name or names and location of, and the name or names of the owners or operators of, the breaker, colliery, yard or other place of production or storage where the anthracite to which the certificate refers has been produced or stored.

b. The kind, size and weight of the anthracite.

c. The name and address of person claiming ownership of said anthracite.

d. The name and address of the driver of the motor vehicle transporting said anthracite and the state motor vehicle registration number of said vehicle.

e. The name and address of the person or persons to whom said anthracite is to be delivered.

Source. L. 1937, c. 174, §3, p. 419.

51:7-4. Issuance of certificates; nontransferable; false certificate. The certificates of origin as herein provided shall be issued only on forms to be supplied, on application therefor, by the superintendent of the department, shall be serially numbered and issued consecutively. A nominal charge to cover the cost of supplying such forms may be made by the superintendent. Said certificates of origin shall be nontransferable and any person who has in his possession or who files with a weighmaster or forwards to the superintendent a false certificate of origin shall be deemed guilty of a violation of this chapter.

The superintendent of the department shall issue such blank certificates of origin to any person who is the owner or operator of a colliery, breaker or other place of production or who is the owner or operator of a yard, pocket or other place of storage, outside of the state of New Jersey, upon application therefor by such person showing the necessity for

the issuance of said certificates and upon proof satisfactory to the superintendent that all anthracite produced or stored is not stolen and is legally acquired at its source. Notification shall promptly be given to the superintendent in case of change of source or the obtaining of anthracite from new sources since the time said application is made, and satisfactory proof shall be furnished that the anthracite is legally acquired at the new sources.

Whenever any person who transports or intends to transport anthracite into this state furnishes proof satisfactory to the superintendent that all anthracite so transported or to be transported is legally acquired at its sources and is not stolen, and further, that such person is unable to obtain certificates of origin at the breaker, colliery or other place of production or at the yard, pocket or other place of storage, blank certificates shall be issued to such person in such number as the business of such person requires.

Source. L. 1937, c. 174, §4, p. 419, as am. by L. 1938, c. 242, §4, p. 547.

51:7-5. Duplicate certificate filed with weighmaster. Any person bringing anthracite into this state from outside of this state and said anthracite is to be sold or delivered within the boundaries of this state shall file a duplicate of the required certificate of origin with the weighmaster in charge of the scales where said person has said anthracite weighed in accordance with the requirements of the laws of this state, and such duplicates of said certificates of origin shall be retained at such scales for a period of one year, unless the superintendent directs the forwarding of the same to his office, and shall be subject and open to inspection by any weights and measures officer; after storage or sale of said anthracite in this state the original certificates of origin shall be forwarded to the superintendent at his office within ten days from the date of such sale or storage and the triplicate copy shall be kept by the person who sells or stores said anthracite.

Source. L. 1937, c. 174, §5, p. 419, as am. by L. 1938, c. 242, §5, p. 548.

51:7-6. License to sell solid fuel revoked for buying, selling or transporting stolen anthracite. The superintendent of the department shall revoke the license of any person licensed to sell solid fuel in this state who buys, sells or transports stolen anthracite within this state or who buys, sells or transports anthracite which has been acquired at a place

of production, storage or source where stolen anthracite is handled or distributed, and shall issue to such person no further license to sell solid fuel in this state for a period of at least one year from the date of revocation. The superintendent shall give at least five days' notice of the proposed revocation proceedings, which notice shall contain the charges made against the licensee and the time and place of the hearing of said revocation proceedings; said notice shall be sent by registered mail to the address given by the licensee in his application for license to sell solid fuel; said licensee shall have the opportunity to appear and enter a defense at the hearing to be held at the office of the superintendent.

The superintendent shall void all certificates of origin where the person who obtains the same buys, sells or transports stolen anthracite or deals in or handles stolen anthracite. Any person using voided certificates knowingly shall be deemed guilty of a violation of this chapter. Five days' notice by registered mail of the proposed voiding of said certificates shall be given to the person who obtained the same and upon the request of said person he shall be given an opportunity to show cause why said certificates should not be voided.

Source. L. 1937, c. 174, §6, p. 420, as am. by L. 1938, c. 242, §6, p. 549.

51:7-7. Enforcement of chapter. All weights and measures officers in this state, in addition to their various duties now provided for by law, are hereby charged with the duty of enforcing and executing the provisions of this chapter, and the superintendent of the department shall make such rules and regulations as he may deem necessary for its enforcement.

Source. L. 1937, c. 174, §7, p. 420, as am. by L. 1938, c. 242, §7, p. 550.

51:7-8. Penalty for violations. Any person who violates any of the provisions of this chapter shall upon being found guilty of such offense pay a fine of not less than one hundred dollars nor more than five hundred dollars or if unable to pay such fine shall be committed to a county jail for a period not to exceed ninety days.

Source. L. 1937, c. 174, §8, p. 420.

51:7-9. Procedure for recovery of penalties; jurisdiction. The procedure for the recovery of any penalty incurred under the provisions of this chapter shall be the same as the procedure specified in sections 51:1-105 to 51:1-111 of this title. All actions shall be instituted in the name of the State of New Jersey by any weights and measures officer who shall have the same powers in connection with the enforcement of this chapter as are vested in them in sections 51:1-105 to 51:1-111 of this title. Jurisdiction of all cases arising out of violations of the provisions of this chapter is hereby conferred upon all justices of the peace, judges of the city criminal courts, police judges and recorders located in the county in which such violations are committed.

Source. L. 1937, c. 174, §9, p. 420, as am. by L. 1938, c. 242, §9, p. 550.

Chapter 8. SOLID FUEL.

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51:8-1. Definitions. For the purpose of this chapter the following words shall be deemed to have the meaning herein given them:

a. "Department" shall mean the state department of weights and measures.

b. "Solid fuel" shall mean any anthracite, semi-anthracite, bituminous, semibituminous, or lignite coal, briquettes, boulettes, coke, gas house coke, petroleum coke, petroleum carbon or any other manufactured or patented fuel not sold by liquid or metered measure.

c. "Ton" shall mean the net ton of two thousand pounds avoirdupois.

d. "Vehicle" shall mean any truck, wagon, cart or other conveying device using the streets, alleys or other thoroughfares in this state, but not including railroad cars.

e. "Equipped dealer" shall mean any person who is regularly engaged in the sale, or sale and delivery of solid fuel; maintains unloading, storage and service facilities commensurate with the nature of the business; is equipped with and using wagon or truck scales, or other approved weighing or measuring devices, of sufficient size and capacity and maintained in condition accurately to weigh the maximum load for which they are utilized; maintains an office accessible to the public with a competent person on duty, and regularly carries a stock of solid fuel.

f. "Unequipped dealer" shall mean all other persons engaged in the sale, delivery, or sale and delivery of solid fuel.

g. "Person" shall be construed to include any individual, partnership, unincorporated association, corporation or other form of business enterprise.

h. "Weights and measures officers" shall be construed to include the State superintendent of weights and measures or his assistants or inspectors, county or assistant county superintendents of weights and measures or inspectors, and municipal or assistant municipal superintendents of weights and measures or inspectors.

i. "Magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of the city criminal courts, police judges, recorders, mayors, and other officers having powers of a committing magistrate; but no justice of the peace shall sit as magistrate under this chapter within the corporate limits of any municipality within this state

having a police judge, police justice, recorder's court or city criminal court.

Source. L. 1937, c. 175, §1, p. 421.

51:8-2. Sale, etc., not in accordance with chapter unlawful. It shall be unlawful for any person to sell, deliver, or sell and deliver, or weigh or issue weight certificates for, solid fuel in this state except in accordance with the provisions of this chapter.

Source. L. 1937, c. 175, §2, p. 422.

51:8-3. Enforcement; jurisdiction over inspectors. All weights and measures officers in this state, in addition to their various duties now provided for by law, are hereby charged with the duty of enforcing and executing the provisions of this chapter. Inspectors shall report to and work under the jurisdiction of the county or municipal superintendents, but if any county or municipal superintendent is not available or deems it inadvisable to sign a complaint, inspectors shall have the power to sign such complaints.

Source. L. 1937, c. 175, §3, p. 422.

51:8-4. General supervision by superintendent; rules and regulations. The superintendent of the department shall have general supervision of the administration of this chapter and shall make such rules and regulations as he may deem necessary for its enforcement.

Source. L. 1937, c. 175, §4, p. 422.

51:8-5. License to sell or deliver solid fuel; license plates; certificates of license; issuance; terms; fees; name of owner and municipality on motor vehicles. It shall be unlawful for any person to engage in the business of selling, delivering or selling and delivering solid fuel in this State unless he shall have obtained from the department a license to engage in said business and a license plate for each vehicle owned and used by him for the delivery of solid fuel; provided, however, where any person engages in the business of selling, delivering, or selling and delivering solid fuel in this state at more than one place of business or establishment, it shall be necessary for said person to obtain a separate license for each such place of business or establishment where said solid fuel is so sold, delivered, or sold and delivered; provided, further, that it shall not be necessary for any person who sells or delivers

solid fuel at retail in quantities of not more than one hundred pounds, and does not sell or deliver more than one hundred pounds to the same person on the same day, to obtain such license. Application for said license and license plate or plates shall be made upon a form to be supplied by the superintendent of the department and it shall be the duty of said superintendent to issue such license to such applicant for each calendar year or fraction thereof in which said business is conducted, upon the payment of a fee of ten dollars for any one year or fraction thereof, and to issue, for such calendar year or fraction thereof, a license plate for each vehicle so owned and used by the applicant, together with a certificate of the issuance of such license plate, upon the payment of one dollar for each vehicle so owned and used, 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, when requested to do so by any weights and measures officer, shall exhibit such certificate, in order that such weights and measures officer may determine the correctness of said certificate.

It shall be unlawful for any person to engage in the business aforesaid without having on display in his place of business a certificate of such license, which shall be issued by said superintendent, and no person shall use any vehicle to deliver solid fuel without such license plate being securely and conspicuously attached to said vehicle and no such license plate shall be transferable or interchangeable.

No license plate shall be issued to any person for any 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; and provided, further, that in emergencies growing out of extreme weather conditions, upon application to the department by any person regularly licensed under the provisions of this section, additional vehicle plates shall be issued forthwith upon the payment of one dollar for each plate, and any such plate may be attached to any vehicle leased or otherwise employed by any licensee. Such emergency plates must be removed and returned to the department when the emergency has passed.

Every license and license plate issued under the provisions of this section shall expire, and the certificates thereof become void on the thirty-first day of December of each year, and the superintendent of the department shall issue licenses, license plates and certificates for the following year on and after November first of each year, such licenses, license plates and certificates so issued not to be used until the fifteenth day of December of the year preceding the year for which they are issued. The superintendent of the department shall designate county and municipal superintendents of weights and measures as issuing agents through whom the licenses, license plates and certificates herein provided may be issued to applicants in their respective counties or municipalities. All moneys collected by said county or municipal superintendents shall be transmitted to the state superintendent on or before the twenty-fifth day of the month following date of issue.

The superintendent may revoke the license of or refuse to issue a license to any person, after a hearing, upon due notice, which may be served personally upon or sent by registered mail to such person, for any dishonest, deceptive or fraudulent practice.

No motor vehicle shall be used for transportation of solid fuel in this state unless the name of the owner thereof and the municipality in which his place of business is located is conspicuously displayed on the vehicle in letters at least six inches high. Any person violating this provision shall pay a penalty of not more than ten dollars and for failure to forthwith pay such penalty, shall be imprisoned in the county jail for a period not exceeding five days.

Source. L. 1937, c. 175, §5, p. 422, as am. by L. 1938, c. 44, §5, p. 119, as am. by L. 1939, c. 41.

Cross Reference. License revoked for buying, selling or transporting stolen anthracite, see §51:7-6 of this title.

51:8-6. Sale by weight only; pounds to the ton; weighmaster to weigh. All solid fuel shall be sold by weight. It shall be unlawful for any person to sell or deliver or start out for delivery less than two thousand pounds by weight to the ton of solid fuel or a proper proportion thereof when the quantity to be delivered is less than a ton, and such solid fuel shall, except as otherwise herein provided, be duly weighed by a weighmaster designated to weigh solid fuel, on stationary scales suitable for weighing solid

fuel, which have been tested and sealed by any authorized weights and measures officer.

Source. L. 1937, c. 175, §6, p. 424.

51:8-7. Weighing fuel of unequipped dealer on scales of equipped dealer. Unequipped dealers engaged in the sale, or sale and delivery of solid fuel in this state purchased from and weighed over the scales of an equipped dealer or wholesale pocket dealer in this state shall be furnished with weight certificates signed by the weighmaster of such equipped dealer or wholesale pocket dealer as provided in section 51:8-9 of this title, on forms of such unequipped dealers.

Source. L. 1937, c. 175, §7, p. 425.

51:8-8. Weighing fuel of unequipped dealer on approved scales; procedure. Unequipped dealers engaged in the sale and delivery of solid fuel in this state, except as provided in section 51:8-7 of this title, shall have such solid fuel weighed on scales tested and approved by the proper weights and measures officers. The owner of the scales on which such weighing is made shall furnish each unequipped dealer with a weight certificate, as provided in section 51:8-9 of this title, for each load or for each separate part of a load, on forms of such unequipped dealers, signed by the weighmaster of such owner, and a copy of each such weight certificate shall be retained at the scales where such weighing is done for a period of one year and shall be subject to inspection by any weights and measures officer. The owner of the scales shall keep, on forms approved by the superintendent of the department, an accurate record of all weighings made and such record shall be open to inspection by any weights and measures officer, for a period of one year.

Source. L. 1937, c. 175, §8, p. 425.

51:8-9. Weight certificates; necessity of; contents; delivery tickets; exceptions. It shall be unlawful for any person to deliver or cause to be delivered or to be started out for delivery any solid fuel without each lot in each separate compartment of any vehicle being accompanied by a weight certificate issued by a certified weighmaster duly designated to weigh solid fuel under the provisions of this chapter on which shall be distinctly expressed:

a. In pounds the gross weight of the solid fuel and the vehicle in which is it contained.

b. In pounds the tare weight or the weight of the vehicle without load.

c. In pounds the net weight of the solid fuel.

d. The kind and size of the solid fuel.

e. The name and address of the purchaser.

f. The name and address of the seller.

g. The plate number of the vehicle as provided in section 51:8-5 of this title.

h. The signature and seal of the weighmaster designated to weigh solid fuel, by whom weighed and the date weighed.

i. The number of bags or sacks, when bags or sacks are representative of the quantity contained in the vehicle.

The tare and gross weights as certified on the weight certificate shall be taken on the same scales.

The weight certificate as herein defined may be issued on the sellers' forms, which shall be known as "delivery tickets." Each such delivery ticket shall be issued in triplicate, shall be serially numbered and shall be used only in consecutive order. One copy of said delivery ticket shall be left with the purchaser of the solid fuel or his agent, and the third copy shall be retained at the scales during the time when the solid fuel represented by such ticket is in course of actual delivery, and all voided delivery tickets in triplicate and one copy of each delivery ticket issued under the provisions of this chapter shall be kept on file at the place of business of the seller for a period of one year from date of issuance and shall be subject to inspection by any weights and measures officer. When the impression of the official seal of any weighmaster appears on a delivery ticket or weight certificate it shall be prima facie evidence that such impression was made by said weighmaster.

Any person issuing or directing the issuance of, or possessing delivery tickets showing different weights or sizes for the same delivery, or persons appearing at the place of delivery, each with a delivery ticket for the same delivery, which tickets have different weights or sizes appearing thereon, shall be deemed guilty of a violation of the provisions of this chapter.

When solid fuel is sold in packages of one hundred pounds or less the provisions of this section shall not apply if the solid fuel is delivered in closed containers or closed bags and the net contents of such bag or container expressed in pounds is plainly and conspicuously stamped or printed thereon, to-

gether with the name and address of the person packaging said solid fuel.

When solid fuel is sold in bulk in lots of one hundred pounds or less, the provisions of this section shall not apply when such solid fuel is weighed upon scales which have been tested and sealed by any weights and measures officer and a delivery ticket is left with the purchaser showing the date of sale, name and address of the seller and the weight of the solid fuel expressed in pounds.

This section shall not apply to the sale of a boat-load or railroad carload of solid fuel delivered direct from the boat or car to one purchaser and accepted as to weight by the purchaser on the bill of lading or other voucher issued by the carrier.

Source. L. 1937, c. 175, §9, p. 426.

51:8-10. Substituting name of another person in weight certificate. Where any person shall be unable to deliver solid fuel to the purchaser originally designated in the weight certificate, he may, by direction of any weighmaster, designated to weigh solid fuel, substitute the name and address of another purchaser; provided, that report of such substitution is made within twenty-four hours to the weighmaster who issued the original weight certificate.

Source. L. 1937, c. 175, §10, p. 427.

51:8-11. Weighing fuel in process of delivery. Any weights and measures officer who finds any quantity of solid fuel ready for or in process of delivery may direct the person in charge of the solid fuel to convey the same to the nearest available accurate scales designated by said officer. Such officer shall thereupon determine the weight of the solid fuel and the vehicle on which it is carried and shall direct such person in charge to return to such scales forthwith upon unloading the solid fuel and upon such return the officer shall determine the weight of the vehicle without load. It shall be unlawful for any person in charge of a vehicle containing such solid fuel or from which such solid fuel has been unloaded to fail to take the vehicle upon the direction of said officer to the scales as aforesaid or refuse to permit the solid fuel or vehicle to be weighed by such officer.

Source. L. 1937, c. 175, §11, p. 428.

51:8-12. Who may issue weight certificates; certificate of designation as weighmaster; application;

period; revocation; substitution of weighmaster. It shall be unlawful for any person to make or issue a weight certificate for solid fuel unless certified as a weighmaster by the superintendent of the department under the provisions of sections 51:1-73 to 51:1-80 of this title, and duly designated by said superintendent to weigh solid fuel in accordance with the provisions of this chapter, and a public weigher shall not be permitted to weigh solid fuel unless designated to do so under the provisions of this chapter.

Application for a certificate of designation shall be made upon a form prescribed by the superintendent; the applicant shall furnish satisfactory evidence of good moral character and of ability to weigh accurately, and to make correct weight certificates, and shall indicate the place where the applicant shall perform his function as a weighmaster designated to weigh solid fuel and the type and capacity of the scale or scales to be used by the applicant.

When the applicant is an equipped dealer or an employee of an equipped dealer having two or more yards, he may be designated to weigh upon any or all of the scales in the said yard or yards. No certificate of designation shall be issued to any applicant unless he is the owner or lessee of the scales at the place designated in his application, or a bona fide employee of the owner or lessee of such scales; provided, however, that not more than three certificates of designation shall be issued for the same scale, unless the superintendent in his discretion deems it advisable that more than three persons shall be designated to weigh solid fuel on said scale.

The period of the certificate of designation to weigh solid fuel shall run concurrently with the term of the applicant as weighmaster and shall expire on the date of the expiration of said term. Each certificate of designation shall be kept at the place where the weighmaster is engaged in weighing solid fuel and shall be open to inspection, and shall state the type, capacity and location of the scale or scales upon which he is designated to weigh solid fuel.

Upon notice to a weighmaster, his certificate of designation may be revoked by the superintendent of the department, after hearing, for dishonesty, incompetency, inaccuracy or for any violation of the provisions of this chapter or for any misrepresentation in his application for the said certificate; and the said certificate shall become invalid when for

any reason he is no longer employed at the place of weighing for which the certificate was issued.

In any case where a certificate of designation has been revoked any person shall be authorized to substitute, at the place for which said revocation was made, another weighmaster in his employ and duly designated as such under the provisions of this chapter, pending disposition by the superintendent of the department of a new application for designation of a new applicant as weighmaster to weigh solid fuel at the place for which the certificate of designation has been revoked; provided, that the said new application must be forwarded to the superintendent of the department within five days of the substitution of another weighmaster designated to weigh solid fuel.

In case of the death, absence or inability to act of a weighmaster designated to weigh solid fuel, any person may substitute for such deceased or absent weighmaster another weighmaster in his employ and duly designated as such under the provisions of this chapter; provided, that immediate notice of such substitution be reported by said person to the superintendent of the department and that any such substitution shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days unless with the written consent of the superintendent of the department.

Source. L. 1937, c. 175, §12, p. 428, as am. by L. 1938, c. 44, §12, p. 121.

51:8-13. Disposition of license fees; payments to counties and municipalities of moneys collected; use of. All license fees required to be collected by the superintendent of the department under the provisions of this chapter shall be turned over to the treasurer of the state of New Jersey who shall itemize and report separately in his annual report all income so received. During the months of January and July of each year, commencing in the month of January, one thousand nine hundred and thirty-eight, the treasurer shall determine from the superintendent of the department the total amount of moneys collected under the provisions of this chapter in each county and each municipality in which there is established a municipal department of weights and measures in accordance with the provisions of article 3 of chapter 1 of this title (§51:1-42 et seq.), and shall thereupon during said months disburse and pay to the fiscal officer of each county or municipality fifty per cent of such total amount of moneys collected therein.

The counties and municipalities shall appropriate the moneys so received for the sole and exclusive use of the respective departments of weights and measures.

Source. L. 1937, c. 175, §13, p. 430.

51:8-14. Violations; penalties. It shall be unlawful:

a. For any weighmaster to issue a false or incorrect weight certificate or for any person to solicit him so to do.

b. For any weighmaster to permit any weight certificate to be issued or used which purports to bear his signature or seal but which was not in fact signed or sealed by him or which expresses a weight not ascertained by him.

c. For any person to use a false or incorrect weight certificate or to use a certificate not bearing the signature and seal of a weighmaster designated to weigh solid fuel.

d. For any person to deliver solid fuel in any vehicle not having securely and conspicuously attached thereto a license plate as provided in this act.

e. For any person to deliver solid fuel without a weight certificate.

f. For any person to fail, neglect, or refuse to deliver a correct and lawful weight certificate to the purchaser of solid fuel.

g. For any person to permit any diminution of the load of solid fuel after the weight thereof has been certified by a weighmaster designated to weigh solid fuel and before its delivery to the purchaser or purchasers thereof.

h. for any person to deliver or cause to be delivered less than the quantity of solid fuel represented in the weight certificate accompanying such solid fuel as provided in this chapter.

Any person violating any of the provisions of paragraphs "a," "b," or "c" of this section shall, upon being found guilty of such offense, pay a fine of not less than one hundred dollars, nor more than five hundred dollars.

Any person violating any of the provisions of paragraphs "d," "e," or "f" of this section shall, upon being found guilty of such offense, pay a fine of not less than twenty-five dollars, nor more than fifty dollars.

Any person violating any of the provisions of paragraphs "g" or "h" of this section shall, upon being found guilty of such offense, pay a fine of not less

than twenty-five dollars, nor more than fifty dollars, and shall, upon being found guilty of a second similar offense, pay a fine of not less than fifty dollars, nor more than one hundred dollars, and shall, upon being found guilty of any subsequent similar offense, pay a fine of not less than one hundred dollars, nor more than two hundred dollars.

Any person who violates any provision of this chapter not specified in this section shall, upon being found guilty of such offense, pay a fine of not less than twenty-five dollars, nor more than fifty dollars. Any person unable to pay a fine imposed under the provisions of this chapter shall be committed to jail for a period of not to exceed sixty days.

Source. L. 1937, c. 175, §14, p. 431.

51:8-15. Procedure for recovery of penalties. An action to recover any penalty incurred under the provisions of this chapter may be brought in the name of the state of New Jersey by any duly appointed weights and measures officer by complaint in writing, duly verified by such weights and measures officer, which verification may be upon information and belief, or may be verified by the complaining witness to be filed with any magistrate of any municipality in this state alleging the violation in said municipality of any of the provisions of this chapter, who is hereby authorized to issue a summons returnable in from one to ten days from the date thereof, same to be served not less than two days prior to the return thereof, or a warrant directed to any weights and measures officer, or to any constable or police officer, commanding him to cause the person or persons so complained of to be summoned or arrested and brought before such magistrate, who shall at the return of the said summons or warrant forthwith in a summary way hear and determine the guilt or innocence of such person or persons, and upon conviction shall impose upon such person or persons so convicted the penalty or penalties prescribed for such offense, together with the cost of prosecution of the proceedings before such magistrate, and if any person or persons shall fail to pay the penalty or penalties, so imposed, together with the costs of prosecution, execution shall be issued against his or their goods and chattels, body or bodies without any order of the court for that purpose, first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of said defendant or defendants in his

bailiwick to make the amount of said judgment and costs, he shall take the body of the defendant or defendants and deliver him or them to the keeper of the common jail of said county for a period not to exceed ten days, except as may be otherwise in this chapter in this respect provided; or until said penalty and costs are sooner paid. The defendant or defendants may be released upon order of the magistrate before the expiration of any imprisonments, prescribed in default of payment of any judgment, upon the written order of the committing magistrate or a justice of the supreme court, in the discretion of said judicial officer, after one day's notice of time and place of application for such order to the state superintendent of weights and measures.

It shall be the duty of the city attorney of any municipality wherein such violation shall take place to assist in the prosecution of the same, unless such municipality has no such municipal superintendent of weights and measures as provided for in section 51:1-43 of this title, in which case the public prosecutor of the county wherein such violation shall take place shall assist in such prosecution.

Source. L. 1937, c. 175, §15, p. 432.

51:8-16. Arrest without warrant. For violation of any of the provisions of this chapter, done within the view of any weights and measures officer, such weights and measures officer is authorized, without warrant, to arrest the offender or offenders and to conduct him or them before any magistrate having jurisdiction in such county wherein such arrest is made and offense committed, and such magistrate is hereby authorized and required on verified complaint in writing, setting forth the nature of the offense for which said arrest was made, to be filed then and there with such magistrate, before the commencement of the hearing, to hear and determine in a summary way the guilt or innocence of such person or persons, and inflict the penalties provided by law.

Source. L. 1937, c. 175, §15, p. 432.

51:8-17. Appeal; notice; bond. Any party to any proceeding instituted under this chapter may appeal from the judgment or sentence of the magistrate to the court of common pleas of the county in which the said proceedings take place; provided, that the party appealing shall, within ten days after the date of the said judgment, file a written notice of appeal

with the magistrate, pay the costs of such proceedings, and deliver to such magistrate a bond to the opposite party in double the amount of the judgment appealed from, with at least one sufficient surety, conditioned to prosecute the said appeal and to stand to and abide by such further order or judgment as may hereinafter be made against said party, which appeal shall act as a stay of execution, unless said appeal shall be dismissed for want of jurisdiction in the court appealed to, in which case the magistrate may issue execution as in this chapter provided upon the remanding and dismissal of the appeal papers to said magistrate with certified copy of the order of dismissal as aforesaid.

Source. L. 1937, c. 175, §15, p. 432.

51:8-18. Record on appeal; judgment; execution; waiver of appeal bond. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate, to send all papers, together with a transcript of the proceedings in the case to the next term of the court of common pleas of the said county, if at least five days shall intervene between the rendition of said judgment and the commencement of said term of court; but, if otherwise, then said proceedings shall be brought on and heard at the next subsequent term of said court which court shall hear and determine such appeal in the same way and manner as said case was heard and determined by such magistrate, who shall render final judgment therein, upon which judgment in case of affirmance of conviction, execution directed to the sheriff as herein provided, may issue. If the defendant shall be committed to jail under any execution provided for, in this chapter, on failure to pay the amount due of penalty and costs, such commitment shall be construed as a waiver and release of any appeal bond previously given in the proceeding.

Source. L. 1937, c. 175, §15, p. 432.

51:8-19. Disposition of penalties. All fines and penalties collected from persons offending against the provisions of this chapter shall be paid by the magistrate receiving the same, when recovered by a state weights and measures officer, to the state treasurer; when recovered by a county weights and measures officer, to the county collector of such county; and when recovered by a municipal weights and measures officer, to the municipality which such officer represents.

Source. L. 1937, c. 175, §15, p. 432.

REGULATION NO. 21.

On and after September 1, 1938, it shall be the duty of all weighmasters appointed pursuant to Title 51, Article 3, Subdivision "C," Section 51:1-74 of the Revised Statutes of New Jersey, to ascertain the gross, tare and net weights of all commodities weighed by them and for which a certificate of weight is issued in accordance with the terms of Sections 51:1-73 to 51:1-82, inclusive, of the article and subdivision of the said Revised Statutes of New Jersey. The tare and gross weights as certified on the weight certificate issued by a weighmaster shall be taken on the same scales, and in no case shall a weighmaster certify to the net weight of any commodity on any weight certificate if between the time of the taking of the tare weight, or weight of vehicle without load, and the time of the taking of the gross weight, or weight of vehicle with load, the said vehicle shall have left the place or premises where such scales are located.

Penalties for violation of this ruling are prescribed by Section 51:1-80 of the Revised Statutes.

This regulation is promulgated under the authority of Section 51:1-75 of the said Revision, which provides that: "The State Superintendent of Weights and Measures shall prescribe the rights and duties of all weighmasters and certified weighers."

REGULATION NO. 26

On and after January 1st, 1940, all solid fuel placed in bags or sacks of any type or material, containing 100 lbs. net weight or less, and normally intended to be sold or offered for sale as solid fuel in package form, either at wholesale or retail, shall be construed to be solid fuel in closed containers or closed bags, as covered by the provisions of Section 51:8-9 of the Revised Statutes of New Jersey and the terms of the said section shall apply to all such packages; provided, however, that this regulation shall not apply to open canvas or other type of bags or baskets, normally used only as carriers in the delivery of solid fuel when sold in bulk quantities.

REGULATION NO. 30.

On and after March 1st, 1942, weighings made of any vehicle, vehicles or combination of vehicles, to ascertain the gross, tare, or net weights for commercial purposes, or for certification by public weighmasters, shall not be determined by any method based upon a procedure known as split weighings, fore-and-aft drafts, axle-load or wheel-load weights, but the gross, tare or net weights of any vehicle, vehicles, or combination of vehicles, as a single unit shall be determined upon scales with platforms of sufficient size to accommodate the vehicle, vehicles, or combination of vehicles fully, completely, and as one entire unit; provided, however, that the gross, tare and net weights of a combination or combinations of vehicles may be determined upon a scale which will not accommodate the said combination or combinations of vehicles as one entire unit, when the same may be so separated that the weight of each part can and shall be determined separately as an independent unit and weight slips issued for each such separate weighing; and provided further, that at no time shall a load be placed upon the scale platform that will exceed the legal capacity of the scale.

"Vehicle" shall mean any car, wagon, cart, truck, tractor, or trailer or any other conveying device, or a combination or combinations thereof.

The penalty for each violation of this regulation shall be not less than \$25.00, as provided by Section 51:1-89 of the Revised Statutes of New Jersey.

This regulation is promulgated under the provisions of Section 51:1-61, Section 51:1-75, Section 51:8-4 and Section 51:9-10.