

**MINUTES OF COMMISSION MEETING**  
**January 22, 2004**

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Minutes

The minutes of the December 18, 2003 meeting of the Commission were accepted as submitted.

Title 39

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Title Recordation

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**January 22, 2004**

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**A-list:**

Election Law Reform

Games of Chance

Judgments, Notice of Pending Action, Enforcement of Judgments, Public Sales, and  
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Uniform Child Custody Jurisdiction and Enforcement Act

Uniform Mediation Act

Title Recordation

Unclaimed Property

**B-list:**

Oaths and Affidavits

Civil Arrest

Distrain/Artisans' Liens

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Jury98

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**MINUTES OF COMMISSION MEETING**  
**January 22, 2004**

Present at the meeting of the New Jersey Law Revision Commission held at 153 Halsey Street, 7<sup>th</sup> Floor, Newark, New Jersey, were Commissioners Peter Buchsbaum and Daniel Becht. Professor Bernard Bell of Rutgers Law School, Newark, attended on behalf of Commissioner Stuart Deutsch and Professor William Garland of Seton Hall Law School attended on behalf of Commissioner Patrick Hobbs.

Minutes

The minutes of the December 18, 2003 meeting of the Commission were accepted as submitted.

Title 39

Staff advised that the Registration section of the statute was still a rough draft and that work on that section would continue. Professor Garland had a number of corrections and he said he would provide his notes to Staff for inclusion in the draft as appropriate without going through each and every suggested modification at the meeting.

Laura Tharney told the Commission of the most recent contact with the Commission on Motor Vehicles ("CMV") regarding several questions raised by the Commission at the last meeting. First, with regard to the "Touring Privileges" draft, Ms. Tharney was advised that while some of the language was arcane, the reciprocal privileges are in use today to extend reciprocity in New Jersey to those who hold a valid driver's license in another state, or a valid registration or plates. According to the CMV, this is still an important section of the statute, still in use, and all other states have similar provisions as part of their laws.

With regard to the anti-theft program contained in the draft, this area is governed by the State Police but the CMV presumes that the section remains viable since the regulations, found at N.J.A.C. 13:63 were readopted in 2001. The CMV representative indicated that he had seen the decal on a number of vehicles.

Finally, with regard to tires, loads, dimensions, lights and other sections of the statute with detailed specifications for automobiles or their component parts, the CMV representative suggested that these sections remain unaltered as a part of the statute rather than trying to move some of the provisions to regulations. The dimensions section, for example, was crafted in the mid 1980s by a Deputy Attorney General as a result of federal mandates (the "federal bridge formula") and the State has to certify annually that it is in compliance. With regard to the other various provisions in the statute, the CMV representative suggested the federal safety standards do not cover every kind of equipment, so the provisions have continued utility and are revised periodically to comply with federal law. While the federal law has preempted certain things, the CMV representative did not believe that there were preempted items that were still included in the current statute. The

CMV representative expressed concern about removing the detailed provisions from the statute and replacing them with regulations, citing the risk that the regulations would be changed by rulemaking and would not necessarily comply with federal law.

#### Weights and Measures

John Cannel suggested that there are questions about certain of the provisions in the draft. There are, for example, weighing and measuring devices that are required to be sealed every year. The timers in dryers in apartment buildings are set out as a specific exception to the general law. This suggests that the dryers in other locations, like Laundromats, are required to be sealed every year. One could also argue that the wristwatch of a lawyer billing by time increments and odometers on rental vehicles are required by the current law to be sealed every year. Also, the current statute contains a requirement that repairpersons report to the Superintendent after all repairs. Mr. Cannel suggested that Staff needs to find out what is being sealed every year and then make the language of the statute conform more closely to the current practice. Mr. Cannel also noted that while the current draft had consolidated the penalty provisions in the law considerably, there was still more work to do in this regard.

Commissioner Buchsbaum asked if there was any definition of “commercial measuring equipment.” Mr. Cannel said that there was not, but that there was a very expansive definition of “weight and measure” in the initial section of the statute.

Commissioner Buchsbaum suggested a very limited review and modification of this statute since the Commission has not received complaints about the manner in which the current statute is working and the Commission has not been apprised of problems in this area. Mr. Cannel said that while the review and revision could be limited, the language of the statute should bear some relation to what is actually taking place, and it does not seem as though the current statute does that.

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