

ASSEMBLY, No. 3337

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED OCTOBER 23, 2008

Sponsored by:

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

SYNOPSIS

Requires jewelers to register annually with Division of Consumer Affairs.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the registration of jewelers and supplementing
2 Title 45 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act:

8 “Director” means the Director of the Division of Consumer
9 Affairs in the Department of Law and Public Safety.

10 “Division” means the Division of Consumer Affairs in the
11 Department of Law and Public Safety.

12 “Jeweler” means a person who is engaged in the business of
13 buying or selling jewelry.

14 “Jewelry” means any item made out of a precious metal, a
15 diamond, or a precious or semiprecious stone.

16

17 2. a. No person engaged in the business of buying or selling
18 jewelry shall buy, sell, or offer or attempt to buy or sell jewelry
19 unless registered with the division in accordance with the
20 provisions of this act.

21 b. Every applicant for registration as a jeweler shall file an
22 application with the director on a form provided by the division,
23 which form shall be accompanied by a reasonable fee, set by the
24 director in an amount sufficient to defray the division’s expenses
25 incurred in administering and enforcing this act. Applications for
26 renewal registration shall be filed with the director annually on a
27 form provided by the division and accompanied by a renewal fee,
28 set by the director.

29 c. Every jeweler required to register under this act shall file an
30 amended registration within 20 days after any change in the
31 information required to be included thereon. No fee shall be
32 required for the filing of an amendment.

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34 3. In addition to any other procedure, condition or information
35 required by this act:

36 a. Every applicant shall file a disclosure statement with the
37 director stating whether the applicant has been convicted of any of
38 the following crimes or offenses, or an attempt or conspiracy to
39 commit any of the following crimes or offenses, in this State or any
40 other state:

41 (1) Any crime of the first degree;

42 (2) Any crime of the second or third degree in violation of any
43 of the provisions of chapter 20 or 21 of Title 2C of the New Jersey
44 Statutes; or

45 (3) Any crime in violation of N.J.S.2C:11-2 through 2C:11-4,
46 2C:12-1, 2C:12-3, 2C:13-1, 2C:14-2, 2C:15-1, subsection a. or b. of
47 2C:17-1, subsection a. or b. of 2C:17-2, 2C:18-2, 2C:20-4, 2C:20-5,
48 2C:20-7, 2C:20-9, 2C:21-2 through 2C:21-4, 2C:21-6, 2C:21-7,

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1 2C:21-12, 2C:21-14, 2C:21-15, or 2C:21-19, chapter 27 or 28 of
2 Title 2C of the New Jersey Statutes, N.J.S.2C:30-2, 2C:30-3,
3 2C:35-5, 2C:35-10, 2C:37-1 through 2C:37-4.

4 b. The director may refuse to issue or may suspend or revoke
5 any registration issued by him if the applicant or holder of the
6 registration:

7 (1) Has obtained a registration through fraud, deception or
8 misrepresentation;

9 (2) Has engaged in the use or employment of dishonesty, fraud,
10 deception, misrepresentation, false promise or false pretense;

11 (3) Has engaged in gross negligence, gross malpractice or gross
12 incompetence;

13 (4) Has engaged in repeated acts of negligence, malpractice or
14 incompetence;

15 (5) Has engaged in professional or occupational misconduct as
16 may be determined by the director;

17 (6) Has been convicted of any of the crimes or offenses set forth
18 in subsection a. of this section, as indicated by a criminal history
19 record background check performed pursuant to section 4 of this
20 act. For the purpose of this subsection, a plea of guilty, non vult,
21 nolo contendere or any other such disposition of alleged criminal
22 activity shall be deemed a conviction;

23 (7) Has had his authority to engage in the activity regulated by
24 the director revoked or suspended by any other state, agency or
25 authority for reasons consistent with this section;

26 (8) Has violated or failed to comply with the provisions of any
27 act or regulation administered by the director;

28 (9) Is incapable, for medical or any other good cause, of
29 discharging the functions of a registrant in a manner consistent with
30 the public's health, safety and welfare;

31 (10) Has failed to demonstrate to the satisfaction of the director
32 that he has the appropriate training or education, as determined by
33 the director through rules and regulations, to discharge the functions
34 of a registrant in a manner consistent with the public's health, safety
35 and welfare.

36 c. The director, in lieu of suspending or revoking a registration,
37 may assess a monetary penalty against a person who has violated
38 the provisions of this act. Nothing contained in this act shall be
39 construed to preclude the director from issuing a new registration,
40 notwithstanding the revocation of a prior registration, if the
41 applicant is found to have become entitled to the new registration.

42 d. An applicant or registrant whose registration is denied,
43 suspended, or revoked pursuant to this section shall, upon a written
44 request transmitted to the director within 30 calendar days of that
45 action, be afforded an opportunity for a hearing in a manner
46 provided for contested cases pursuant to the "Administrative
47 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

48 e. An applicant or registrant shall have the continuing duty to

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1 provide any assistance or information requested by the director, and
2 to cooperate in any inquiry, investigation, or hearing conducted by
3 the director.

4 f. If any of the information required to be included in the
5 disclosure statement changes, or if additional information should be
6 added after the filing of the statement, the applicant shall provide
7 that information to the director, in writing, within 30 calendar days
8 of the change or addition.

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10 4. Each applicant for registration as a jeweler shall submit to
11 being fingerprinted in accordance with applicable State and federal
12 laws, rules and regulations for the purposes of a criminal history
13 record background check to be performed by the director. The
14 director is authorized to exchange fingerprint data with and receive
15 criminal history record background information from the Division
16 of State Police and the Federal Bureau of Investigation consistent
17 with the provisions of applicable State and federal laws, rules and
18 regulations. No criminal history record background check shall be
19 performed pursuant to this act unless the applicant has furnished his
20 written consent to that check. An applicant who refuses to consent
21 to, or cooperate in, the securing of a criminal history record
22 background check shall not be considered for registration pursuant
23 to this act. The applicant shall bear the cost for the criminal history
24 record background check, including all costs of administering and
25 processing the check.

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27 5. The registration requirements of this act shall not apply to any
28 person whose proceeds from the sale of jewelry is less than \$7,500
29 per year.

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31 6. The director, pursuant to the provisions of the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), shall promulgate rules and regulations to effectuate the
34 purposes of this act.

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36 7. This act shall take effect on the 180th day following
37 enactment.

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40 STATEMENT

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42 This bill provides for the annual registration of jewelers with the
43 Director of the Division of Consumer Affairs in the Department of
44 Law and Public Safety. As defined in this bill, "jeweler" means a
45 person who is in the business of buying or selling jewelry and
46 "jewelry" means any item made out of a precious metal, a diamond,
47 or a precious or semiprecious stone.

48 An applicant for registration as a jeweler is required to undergo a

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1 criminal history record background check. The costs for this
2 background check shall be borne by the applicant.

3 In addition, the bill authorizes the Director of the Division of
4 Consumer Affairs to refuse to issue, or to suspend or revoke the
5 registration of any person who violates its provisions. Also, every
6 applicant for registration must file a disclosure statement with the
7 director, stating whether the applicant has been convicted of certain
8 crimes.

9 The Director of the Division of Consumer Affairs may refuse to
10 issue or may suspend or revoke any registration of a jeweler if: the
11 applicant or holder of the registration has been convicted of any of
12 the crimes or offenses cited in the bill; or has failed to demonstrate
13 to the satisfaction of the director that he has the appropriate training
14 or education to discharge the functions of a jeweler.

15 The registration requirements provided in the bill do not apply to
16 any person whose proceeds from the sale of jewelry is less than
17 \$7,500 per year.