

SENATE, No. 837

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1996

By Senator BUBBA

1 AN ACT concerning the unwanted delivery of newspapers, amending
2 P.L.1981, c.278 and amending and supplementing P.L.1985, c.533.

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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. Section 3 of P.L.1981, c.278 (C.13:1E-94) is amended to read
8 as follows:

9 3. As used in this act:

10 a. "Department" means the State Department of Environmental
11 Protection;

12 b. "Division" means the Division of Taxation in the Department of
13 the Treasury;

14 c. "Director" means the Director of the Division of Taxation in the
15 Department of the Treasury;

16 d. "Litter" means any used or unconsumed substance or waste
17 material which has been discarded, whether made of aluminum, glass,
18 plastic, rubber, paper, or other natural or synthetic material, or any
19 combination thereof, including, but not limited to, any bottle, jar or
20 can, or any top, cap or detachable tab of any bottle, jar or can, any
21 unlighted cigarette, cigar, match or any flaming or glowing material or
22 any garbage, trash, refuse, debris, rubbish, grass clippings or other
23 lawn or garden waste, newspapers, magazines, glass, metal, plastic or
24 paper containers or other packaging or construction material, but does
25 not include the waste of the primary processes of mining or other
26 extraction processes, logging, sawmilling, farming or manufacturing;

27 e. "Litter-generating products" means the following specific goods
28 which are produced, distributed, or purchased in disposable containers,
29 packages or wrappings; or which are not usually sold in packages,
30 containers, or wrappings but which are commonly discarded in public
31 places; or which are of an unsightly or unsanitary nature, commonly
32 thrown, dropped, discarded, placed, or deposited by a person on
33 public property, or on private property not owned by him:

34 (1) Beer and other malt beverages;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (2) Cigarettes and tobacco products;
- 2 (3) Cleaning agents and toiletries;
- 3 (4) Distilled spirits;
- 4 (5) Food for human or pet consumption;
- 5 (6) Glass containers sold as such;
- 6 (7) Groceries;
- 7 (8) Metal containers sold as such;
- 8 (9) Motor vehicle tires;
- 9 (10) Newsprint and magazine paper stock, including any
- 10 newspaper that is dropped, placed, deposited or delivered by a person
- 11 on private property contrary to a written request by the owner thereof
- 12 , as described in section 3 of P.L. , c. (C.)(pending before
- 13 the Legislature as this bill);
- 14 (11) Drugstore sundry products, but not including prescription
- 15 drugs or nonprescription drugs;
- 16 (12) Paper products and household paper;
- 17 (13) Plastic or fiber containers made of synthetic material and sold
- 18 as such, but not including any container which is routinely reused, has
- 19 a useful life of more than one year and is ordinarily sold empty at
- 20 retail;
- 21 (14) Soft drinks and carbonated waters; and
- 22 (15) Wine;
- 23 f. "Litter receptacle" means a container suitable for the depositing
- 24 of litter;
- 25 g. "Municipality" means any city, borough, town, township or
- 26 village situated within the boundaries of this State;
- 27 h. "Public place" means any area that is used or held out for use by
- 28 the public, whether owned or operated by public or private interests;
- 29 i. "Recycling" means any process by which materials which would
- 30 otherwise become solid waste are collected, separated or processed
- 31 and returned to the economic mainstream in the form of raw materials
- 32 or products;
- 33 j. "Sold within the State" or "sales within the State" means all sales
- 34 of retailers engaged in business within the State and, in the case of
- 35 manufacturers, wholesalers and distributors, all sales of products for
- 36 use and consumption within the State. It shall be presumed that all
- 37 sales of manufacturers, wholesalers and distributors sold within the
- 38 State are for use and consumption within the State unless the taxpayer
- 39 shows that the products are shipped out of State for out-of-State use;
- 40 k. "Tax period" means every calendar month or any other period
- 41 as may be prescribed by rule and regulation adopted by the director,
- 42 on the basis of which the owner or operator of a solid waste facility is
- 43 required to report to the director pursuant to section 4 of P.L.1981,
- 44 c.278 (C.13:1E-95);
- 45 l. "Taxpayer" means the owner or operator of a solid waste facility
- 46 or the manufacturer, wholesaler, distributor, or retailer of

1 litter-generating products subject to the tax provisions of section 4 of
2 P.L.1981, c.278 (C.13:1E-95) or section 6 of P.L.1985, c.533
3 (C.13:1E-99.1), as the case may be.
4 (cf: P.L.1987, c.102, s.34)

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6 2. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to read
7 as follows:

8 8. a. A person who throws, drops, discards or otherwise places
9 any litter of any nature upon public or private property other than in
10 a litter receptacle, or a person who repeatedly drops, places, deposits
11 or delivers newspapers on private property contrary to a written
12 request by the owner thereof, as described in section 3 of P.L. _____,
13 c. _____ (C. _____) (pending before the Legislature as this bill), commits
14 a petty disorderly persons offense. The Superior Court and every
15 municipal court shall have jurisdiction to enforce this section. The
16 State or any municipality may institute proceedings under this section.
17 If a money judgment is rendered against a defendant, the payment
18 made to the court shall be remitted to the chief financial officer of the
19 municipality wherein the violation occurred, to be used by the
20 municipality to help finance litter control activities in addition to or
21 supplementing existing litter pickup and removal activities in the
22 municipality.

23 b. If a person violates subsection a. of this section the court, in
24 addition to any penalty imposed under that subsection, may direct the
25 person to perform community service, including litter pickup and
26 removal from any public property, or any private property with
27 permission of the owner, upon which the person deposited litter, for
28 a term of not less than 20 hours nor more than 40 hours.

29 c. A person who is convicted of an offense under subsection a. of
30 this section within one year of the date of a previous conviction
31 thereunder may be sentenced to imprisonment for a definite term not
32 to exceed 60 days, may in addition be sentenced to pay a fine not to
33 exceed \$1,000 and may be directed to perform community service,
34 including litter pickup and removal from any public property or from
35 any private property if permission of the owner has been granted, for
36 a term of not less than 40 nor more than 80 hours.

37 (cf: P.L.1989, c.108, s.3)

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39 3. (New section) a. Any person who owns private property may
40 request that no newspaper be dropped, placed, or deposited at or
41 delivered to that property by directing a communication in writing to
42 the owner, publisher or distributor of any publication which is
43 dropped, placed, deposited or delivered on the property of that person.
44 The communication shall note that the property owner: (1) does not
45 wish to have any newspapers dropped, placed, or deposited at or
46 delivered to that person's property; (2) regards the newspaper as litter,

1 as defined pursuant to section 3 of P.L.1981, c.278 (C.13:1E-94), and
2 not as a form of communication protected by the First Amendment of
3 the United States Constitution; and (3) wishes to have the delivery of
4 the newspaper terminated immediately.

5 b. No person who is the employee or agent of a newspaper shall
6 continue to drop, place, or deposit at or deliver to the property of a
7 person who has requested, pursuant to the provisions of subsection a.
8 of this section, that that newspaper no longer be so dropped,
9 deposited, placed, deposited or delivered.

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11 4. This act shall take effect immediately.

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STATEMENT

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16 This bill provides that any person who owns private property may
17 request that no newspaper be dropped, placed, deposited or delivered
18 by directing a written communication to the owner, publisher or
19 distributor of that newspaper which makes clear that the owner of the
20 property does not wish to have the newspaper delivered, regards the
21 newspaper as litter and not a Constitutionally-protected form of
22 communication and wishes that delivery be terminated immediately.
23 The bill also prohibits any person who is the employee or agent of a
24 newspaper from continuing to drop, place, deposit or deliver a
25 newspaper to the property of a person who has requested in writing
26 that such delivery be terminated.

27 Any person who engages in this activity would be considered to
28 have committed a petty disorderly persons offense by violating the
29 State's anti-littering laws. Upon conviction for a first offense, the
30 defendant would be subject to a \$100 fine, and may also be directed
31 by the court to perform between 20 - 40 hours of community service,
32 including litter pickup and removal.

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38 Permits any property owner to request in writing that no newspapers
39 be delivered to the property thereof; subjects person who continues to
40 do so to State's anti-littering laws.