

SENATE, No. 1131

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senators DiFRANCESCO and GIRGENTI

1 AN ACT prohibiting the sale, transportation and possession of certain  
2 spray paints and indelible markers.

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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 "Indelible marker" means a felt tip marker, china marker or similar  
9 device that contains ink that is not water soluble.

10 "Spray paint can" means an aerosol or similar spray container which  
11 contains paint or pigmented substance.

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13 2. a. No person shall knowingly:

14 (1) sell or offer for sale to the general public a spray paint can  
15 unless the can is modified either in its design or its spray technology  
16 to severely limit its portability;

17 (2) sell or offer to sell to the general public an indelible marker  
18 which has a writing surface three-eighths of an inch wide or wider;

19 (3) transport, carry, or ship into this State or possess in this State  
20 any spray paint can or indelible marker which does not meet the  
21 requirements of paragraph (1) or (2), as appropriate, of this subsection

22 a.

23 b. The Attorney General shall, within 180 days of the effective date  
24 of this act, promulgate regulations, pursuant to the "Administrative  
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to  
26 effectuate the provisions of this bill, including, but not limited to:

27 (1) setting standards for determining design and technological  
28 modifications which limit the portability of spray paint cans; and

29 (2) establishing a procedure for approving spray paint cans meeting  
30 the standards set pursuant to paragraph (1) of this subsection.

31 c. A person who knowingly violates any provision of this act shall  
32 be fined \$500 for the first offense and \$1,000 for each subsequent  
33 offense.

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35 3. This act shall take effect immediately, but no person shall be  
36 fined pursuant to subsection c. of section 2 of this act for a violation  
37 occurring before the regulations required under subsection b. of

1 section 2 of this act have been promulgated.

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STATEMENT

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6 This bill prohibits: the sale of spray paint cans unless the design of  
7 the can or the spray technology is modified in some way to severely  
8 limit the portability of the spray paint can; the sale of indelible markers  
9 which have a writing surface which is three-eighths of an inch or wider;  
10 and transporting, carrying or shipping into this State or possessing in  
11 this State any spray paint can or indelible marker which does not meet  
12 the requirements of the bill.

13 The Attorney General is required to promulgate regulations, within  
14 180 days of the bill's enactment, which : (1) set out standards for  
15 design and technological modifications to reduce the portability of  
16 spray paint cans; and (2) establish a procedure for evaluating and  
17 approving design and technological modifications which meet such  
18 standards.

19 The bill provides that a person who knowingly violates any  
20 provision of this act shall be fined \$500 for the first offense and \$1,000  
21 for each subsequent offense.

22 Finally, the provisions of this bill are to take effect immediately, but  
23 no person shall be fined for a violation until regulations have been  
24 promulgated.

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29 Prohibits the sale, transportation and possession of certain spray paints  
30 and indelible markers.