

CHAPTER 67

AN ACT concerning operators engaged in repair or removal of inoperable vehicles and supplementing Title 56 of the Revised Statutes.

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

C.56:13-1 Definitions relative to operators engaged in repair or removal of inoperable vehicles.

1. As used in this act:

"Charge card" means a credit card on an account for which no periodic rate is used to compute a finance charge.

"Credit card" means any card, plate, coupon book, or other single credit device that may be used from time to time to obtain credit.

"Operator" means a person who engages in the business of transporting inoperable motor vehicles from public or private property to a site where repairs may be made and who may also perform vehicle repairs.

C.56:13-2 Operator's compliance with motorist's reasonable repair or transport request.

2. An operator who either responds to a call for assistance from a motorist with an inoperable vehicle or who offers to transport or repair the vehicle of such a motorist shall comply with any reasonable request of the motorist either to repair the vehicle or to transport it to a site where the repair may be made.

C.56:13-3 Transport, repair; payment, rights of operator, motorist.

3. If the operator cannot repair the inoperable vehicle to the satisfaction of the motorist he shall, with the motorist's consent, transport the vehicle to the operator's place of business or to another mutually agreed upon location. The vehicle, once repaired, may be retained in the possession of the operator or other repairer, as the case may be, pending payment, pursuant to N.J.S.2A:44-20 et seq. The operator, if other than the repairer, shall be eligible for reimbursement for transporting the vehicle to the repair site. If the estimated cost of repairs exceeds \$50, the motorist shall be given a written estimate of the repair costs.

C.56:13-4 Acceptability of payments; forms.

4. a. For services rendered, the operator shall accept in payment either cash or a valid major credit card or charge card subject to the provisions of subsection b. of this section.

b. If after examining the card, the operator is unable to determine to his satisfaction the credit worthiness or financial responsibility of the motorist, the operator may request additional identification, as determined by the Director of the Division of Consumer Affairs, before proceeding with repairs or towing. Unless the motorist is unable to produce such identification, or the operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the issuer, the charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his place of business. Nothing in this act shall preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the operator.

C.56:13-5 Violation, fine.

5. A violation of this act shall be punishable by a fine of \$500. The second and any subsequent offense shall be punishable by a fine not to exceed \$1,000.

C.56:13-6 Rules, regulations.

6. The Director of the Division of Consumer Affairs shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the purposes of this act.

7. This act shall take effect on the first day of the fifth month after enactment.

Approved August 14, 2002.