

[Second Reprint]

**SENATE, No. 2835**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JUNE 13, 2022

**Sponsored by:**

**Senator JEAN STANFIELD**

**District 8 (Atlantic, Burlington and Camden)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**SYNOPSIS**

Extends right to hawk, peddle, and vend food items on premises of State-owned or State-leased office building.

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 20, 2023.



**(Sponsorship Updated As Of: 9/22/2022)**

1 AN ACT <sup>2</sup>prohibiting a State department or agency from  
 2 completely banning food trucks or mobile food commercial  
 3 vendors from State property<sup>2</sup> <sup>1</sup>, designated the Arletha Atkins  
 4 Act,<sup>1</sup> <sup>2</sup>and supplementing Title 52 of the New Jersey Statutes]  
 5 concerning hawking, peddling, and vending on certain property and  
 6 amending R.S.45:24-9, R.S.45:24-9.1, and R.S.45:24-13<sup>2</sup>.

7  
 8 **BE IT ENACTED** by the Senate and General Assembly of the State  
 9 of New Jersey:

10  
 11 <sup>2</sup>1. Notwithstanding the provisions of any law, rule or  
 12 regulation to the contrary, no State department or agency shall  
 13 prohibit completely food truck or mobile food sales by a  
 14 commercial entity from State property. The State department or  
 15 agency shall adopt such rules or regulations as may be necessary to  
 16 ensure safety, prevent the impeding of traffic or access to State  
 17 buildings or facilities, limit the number of vendors, hours, and  
 18 locations within the property, and select the vendors for each  
 19 location.

20 Each State department or agency shall develop a policy that  
 21 would allow for active-duty military service members, military  
 22 veterans, and their dependents to be given preference in the  
 23 selection and location of approved vendors, and the policy shall  
 24 include, but need not be limited to, a set-aside day and space on the  
 25 property specifically for approved vendors that meet the above  
 26 qualifications.

27 Sales conducted on State property shall take place entirely on  
 28 State property and shall not be permitted to evade any municipal  
 29 zoning or health ordinances. This section shall not apply to any  
 30 private landlord with which the State is engaged for the purposes of  
 31 leasing property.<sup>2</sup>

32  
 33 <sup>2</sup>1. R.S.45:24-9 is amended to read as follows:

34 45:24-9. a. The following persons shall have the right to  
 35 hawk, peddle and vend any goods, wares or merchandise or solicit  
 36 trade within this State, by procuring a license for that purpose to be  
 37 issued in the manner and under the conditions hereinafter in this  
 38 article prescribed, except, however, the aforesaid right to hawk,  
 39 peddle and vend any goods, wares or merchandise or solicit trade  
 40 shall not extend to or include any public beach or public boardwalk:

41 **[a.] (1)** Every person who has been honorably discharged or  
 42 discharged under honorable conditions from the active military  
 43 service of the United States, who is a resident of this State.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SSG committee amendments adopted November 7, 2022.

<sup>2</sup>Senate floor amendments adopted June 20, 2023.

1       **【b.】** (2) Every exempt member of a volunteer fire department,  
2 volunteer fire engine, hook and ladder, hose, supply company or  
3 salvage corps, of any municipality or fire district in this State, who  
4 holds an exemption certificate issued to **【him】** the member as an  
5 exempt member of any such department, company or corps, and  
6 who is a resident of this State.

7       **b.** Hawking, peddling and vending hereafter may be regulated  
8 by municipal ordinance on public streets and highways.

9       **c.** A person, as described in paragraph (1) of subsection a. of  
10 this section, who holds a county-issued license to hawk, peddle, and  
11 vend food items within the county shall have that right extended to  
12 include on the property or premises of any State-owned or State-  
13 leased office building in that county if that action does not unduly  
14 interfere with traffic, public safety, the conduct of State business, or  
15 a contract that is in effect on the effective date of P.L.     c.  
16 (C.     ) (pending before the Legislature as this bill).<sup>2</sup>

17 (cf: P.L.2019, c.211, s.1)

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19       <sup>2</sup>2. R.S.45:24-9.1 is amended to read as follows:

20       45:24-9.1 No license shall be issued to any person described in  
21 **【subparagraph "a" of section 45:24-9 of this title】** paragraph (1) of  
22 subsection a. of R.S.45:24-9 for hawking, peddling, and vending  
23 emblems, flags, natural or artificial flowers, magazines, pamphlets,  
24 postcards or any printed matter, or any article emblematic or  
25 symbolic of, or referring to the army, navy, marine corps, or any  
26 veterans' association, unless such licensee shall have been a bona  
27 fide resident of the county wherein **【he】** the person resides for three  
28 months immediately preceding the issuance of such license; and  
29 any such license shall be effective only in the county wherein such  
30 licensee resides.<sup>2</sup>

31 (cf: R.S.45:24-9.1)

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33       <sup>2</sup>3. R.S.45:24-13 is amended to read as follows:

34       45:24-13 Any judge of the municipal court, after due notice  
35 and a hearing, shall have power to order the cancellation of any  
36 license issued under the authority of paragraph (1) of subsection a.  
37 of R.S. 45:24-9 if: a. the license has been sold or transferred by the  
38 original licensee; b. during the term of the license, the licensee has  
39 been convicted of a crime and this conviction relates adversely to  
40 the activity for which the license was granted; or c. during the term  
41 of the license, the licensee has been found guilty of violating a  
42 municipal ordinance and this violation relates adversely to the  
43 activity for which the license was granted. The judge of the  
44 municipal court shall mail the order of cancellation to the county  
45 clerk in whose county the license was granted and thereupon the  
46 county clerk shall cancel the same of record and file the order of  
47 cancellation in **【his】** the clerk's office and send notice of such

S2835 [2R] STANFIELD, BEACH

4

1 cancellation to the office of the adjutant general. Application for a  
2 new license may be made at any time after the expiration of one  
3 year from the date of the cancellation. Any licensee holding a  
4 license issued under the authority of paragraph (1) of subsection a.  
5 of R.S. 45:24-9 who shall sell or transfer such license shall be  
6 guilty of a crime of the fourth degree and punished accordingly. A  
7 "transfer" has occurred under this section if the original licensee  
8 knowingly permits someone other than **【himself】** the licensee to  
9 use the license to engage in the activity for which the license was  
10 granted.<sup>2</sup>

11 (cf: P.L.1984, c.194, s.3)

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13 <sup>2</sup>**【2.】** 4.<sup>2</sup> This act shall take effect <sup>2</sup>**【**on the first day of the  
14 third month following enactment**】** immediately<sup>2</sup>.