

SENATE, No. 3553

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 2, 2023

Sponsored by:

Senator JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

Senator EDWARD DURR

District 3 (Cumberland, Gloucester and Salem)

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 introduced.



(Sponsorship Updated As Of: 2/27/2023)

1 AN ACT concerning hawking, peddling, and vending on certain
2 property and amending R.S.45:24-9, R.S.45:24-9.1, and
3 R.S.45:24-13.

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

7
8 1. R.S.45:24-9 is amended to read as follows:

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

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

19 **[b.] (2)** Every exempt member of a volunteer fire department,
20 volunteer fire engine, hook and ladder, hose, supply company or
21 salvage corps, of any municipality or fire district in this State, who
22 holds an exemption certificate issued to **[him]** the member as an
23 exempt member of any such department, company or corps, and
24 who is a resident of this State.

25 b. Hawking, peddling and vending hereafter may be regulated
26 by municipal ordinance on public streets and highways.

27 c. A person, as described in paragraph (1) of subsection a. of
28 this section, who holds a county-issued license to hawk, peddle, and
29 vend food items within the county shall have that right extended to
30 include on the property or premises of any State-owned or State-
31 leased office building in that county if that action does not unduly
32 interfere with traffic, public safety, the conduct of State business, or
33 a contract that is in effect on the effective date of P.L. c.
34 (C.) (pending before the Legislature as this bill).

35 (cf: P.L.2019, c.211, s.1)
36

37 2. R.S.45:24-9.1 is amended to read as follows:

38 45:24-9.1 No license shall be issued to any person described in
39 **[subparagraph "a" of section 45:24-9 of this title]** paragraph (1) of
40 subsection a. of R.S.45:24-9 for hawking, peddling, and vending
41 emblems, flags, natural or artificial flowers, magazines, pamphlets,
42 postcards or any printed matter, or any article emblematic or
43 symbolic of, or referring to the army, navy, marine corps, or any
44 veterans' association, unless such licensee shall have been a bona
45 fide resident of the county wherein **[he]** the person resides for three
46 months immediately preceding the issuance of such license; and

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 any such license shall be effective only in the county wherein such
2 licensee resides.

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

4
5 3. R.S.45:24-13 is amended to read as follows:

6 45:24-13 Any judge of the municipal court, after due notice
7 and a hearing, shall have power to order the cancellation of any
8 license issued under the authority of paragraph (1) of subsection a.
9 of R.S. 45:24-9 if: a. the license has been sold or transferred by the
10 original licensee; b. during the term of the license, the licensee has
11 been convicted of a crime and this conviction relates adversely to
12 the activity for which the license was granted; or c. during the term
13 of the license, the licensee has been found guilty of violating a
14 municipal ordinance and this violation relates adversely to the
15 activity for which the license was granted. The judge of the
16 municipal court shall mail the order of cancellation to the county
17 clerk in whose county the license was granted and thereupon the
18 county clerk shall cancel the same of record and file the order of
19 cancellation in **his** the clerk's office and send notice of such
20 cancellation to the office of the adjutant general. Application for a
21 new license may be made at any time after the expiration of one
22 year from the date of the cancellation. Any licensee holding a
23 license issued under the authority of paragraph (1) of subsection a.
24 of R.S. 45:24-9 who shall sell or transfer such license shall be
25 guilty of a crime of the fourth degree and punished accordingly. A
26 "transfer" has occurred under this section if the original licensee
27 knowingly permits someone other than **himself** the licensee to
28 use the license to engage in the activity for which the license was
29 granted.

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

31
32 4. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 Under current law (R.S.45:24-9), certain veterans and volunteer
38 fire department members have the right to hawk, peddle, and vend
39 any goods, wares or merchandise or solicit trade within this State,
40 except on any public beach or public boardwalk. This bill expands
41 the law to provide that a veteran who holds a county-issued license
42 to hawk, peddle, and vend food items within a county will have that
43 right extended to include on the property or premises of any State-
44 owned or State-leased office building in that county if that action
45 does not unduly interfere with traffic, public safety, the conduct of
46 State business, or a contract that is in effect on the effective date of
47 the bill.