

New Law Removes Archaic and Pejorative Terminology

On August 7, 2013, Governor Christie signed A-3357 into law as P.L. 2013, c. 103. The new law took effect on August 7, 2013. The new law removes references to pejorative and archaic language that is used in the State statutes when referring to persons with developmental, cognitive, or psychiatric disabilities. The law replaces terms such as "lunatic," "insane," "unsound mind," and "incompetent" with more appropriate descriptive language that refers to a person's mental capacity. According to the sponsors, the replacement of the pejorative terms is not intended to change the meaning of the various sections of law that are being amended.

The law also amends the definition of "incapacitated individual" in Title 3B of the New Jersey Statutes to replace the term "mental deficiency" with "intellectual disability." P.L.2010, c.50, which eliminated references to "mental retardation" in the State statutes, added a definition for "intellectual disability" in N.J.S.A. 30:4-25.1. To maintain consistency with the statutory definition of "incapacitated individual," the law uses the latter term throughout Title 3B where the pejorative language is being replaced.

Additionally, consistent with P.L.2010, c.50, the new law revises certain statutes to use "person-first" language when referring to persons with mental incapacity in order to emphasize a person's value, individuality, dignity, and capabilities. The law also modernizes certain statutes with gender-neutral terms, updates names of agencies and eliminates anachronistic language.

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"There are no facts, only interpretations. "

- Friedrich Nietzsche

"Get your facts first, then you can distort 'em as much as you please. "

- Mark Twain



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News Briefs

Reported by NJBIZ.com - "State officials will steer \$75 million in federal funds toward development, downtown revitalization and financing for small businesses in regions impacted by Hurricane Sandy, following approval today of a new program by the Economic Development Authority."

Reported by NJ Law Journal - "Texting with knowledge or with reason to believe the recipient will view the text while driving can be the basis of liability for a car accident, a New Jersey appeals court rules in a case of first impression."

New Jersey Revises the "Self-Service Storage Facility Act"

On August 9, 2013, A-3035 was signed into law as P.L. 2013, c. 128 which took effect on August 9, 2013. The new law revises various provisions of the "Self-Service Storage Facility Act," N.J.S.A. 2A:44-187 et seq., to allow, in certain circumstances, notification to the occupant of the space by electronic mail notification or by private delivery service, the towing of a motor vehicle or boat, and rental agreement limitations on the value of property that may be permitted in the occupant's space.

The law amends N.J.S.A. 2A:44-191 to clarify that an owner's liability arising from the sale of the occupant's personal property in accordance with the law is limited to the net proceeds received from the sale of that property. It also provides that the owner is not liable for identity theft or other harm resulting from the misuse of information contained in documents or electronic storage media that are part of the occupant's property which is sold or otherwise disposed of and for which the owner did not have actual knowledge. In addition, the amended law provides that an owner is not liable for a motor vehicle or watercraft, or any

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NJ Law Replaces Archaic Language

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In addition, the law makes technical amendments to N.J.S.A. 2A:14-21 and N.J.S.A. 9:17B-3 to reflect the New Jersey Supreme Court's decision in Green v. Auerbach Chevrolet, 127 N.J. 591 (1992), which clarified the age of majority as the age of 18. In the Green case, an injured party sustained injuries in an accident when he was 17 years of age and brought an action against a corporation when he was 23 years of age. The trial court granted summary judgment in favor of the corporation because the complaint was not timely filed due to the fact that the age of majority statutes, N.J. Stat. Ann. § 9:17B-1-9:17B-3, altered the tolling statute, N.J. Stat. Ann. § 2A:14-21, for minors filing personal injury claims from the age of 21 to the age of 18. The appellate court reversed the decision, finding that the age of majority statute did not affect § 2A:14-21, and therefore the complaint was timely filed. The Supreme Court affirmed, but for different reasons, finding that (1) the age of majority statute did change § 2A:14-21 from 21 years to 18 years; and (2) the exception provision in the age of majority statute, N.J. Stat. Ann. § 9:17B-3, merely retained the 21-year age for a transitional period. The court applied its decision prospectively thus affirming the appellate court decision.

Finally, the new law repeals the following statutes which are no longer operative:

- N.J.S.A. 30:9-1.1, concerning the issuance of bonds for county psychiatric hospitals, which has been superseded by the "Local Bond Law," P.L.1960, c.169 (40A-2.1 et seq.);
- N.J.S.A. 30:9-2, concerning judicial appointment of architects, since judges are no longer involved in public construction projects;
- N.J.S.A. 30:9-29, concerning aid for county hospitals caring for persons with communicable diseases, since these types of hospitals no longer exist;
- N.J.S.A. 44:5-11, concerning annual appropriations by counties to maintain patients in nonprofit hospitals and clinics; and
- N.J.S.A. 44:5-19, concerning annual appropriations by certain counties to maintain patients in hospitals that are privately owned or supported by private charity.

New Law Provides 180-day Window To Dispose of Unlawfully Possessed Firearms

On August 8, 2013, A-3796 became law as P.L. 2013, c. 117. The new law took effect on August 8, 2013 and expires on February 5, 2014. The new law requires that any person who unlawfully possesses a handgun, rifle, or shotgun must dispose of that firearm by transferring it to a person lawfully entitled to own or possess it or by voluntarily surrendering it to an appropriate law enforcement agency within 180 days of the effective date of the law (on or before February 4, 2014).

The law further provides that any person who possesses an unlicensed or unregistered assault firearm is required, within 180 days of the effective date of the law (on or before February 4, 2013), to: (1) transfer the assault firearm to any person or firm lawfully entitled to own or possess the firearm; (2) render the assault firearm inoperable; or (3) voluntarily surrender the assault firearm to the appropriate law enforcement agency.

If the person elects to render the firearm inoperable, a certification on a form prescribed by the Superintendent of the State Police indicating the date on which the firearm was rendered inoperable must be filed with chief law enforcement officer of the municipality in which the person resides or the Superintendent of the State Police as provided in the law.



NJ Revises Self-Service Storage Facility Law

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damages to the motor vehicle or watercraft, once a tow truck takes possession of the property.

The law also revises and supplements the "Self-Service Storage Facility Act" to provide that in addition to the remedies otherwise provided by law, only an occupant listed on the last-known rental agreement injured by a violation of the "Self-Service Storage Facility Act" may bring a civil action to recover damages.