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# Hey, I’m 18!

**A guide explaining *your* legal rights and responsibilities as a young adult**

**MERCER COUNTY BAR ASSOCIATION**



# Directory

## Department of Labor

Office of Wage and Hour Compliance..... (609) 292-2337  
Labor Standards & Safety Enforcement..... (609) 292-2313

**Division on Civil Rights** ..... (609) 292-4605  
Helps people with complaints for discrimination and provides information on citizen's rights.

**Mercer County Division of Consumer Affairs** ..... (609) 989-6671  
Handles consumer complaints and fraud.

**Division of Youth and Family Services (DYFS)** ..... (609) 292-5101  
Handles child abuse cases, problems.

**Domestic Violence Hotline** ..... (609) 394-9000 or (800) 572-SAFE

## Lawyer Referral Service

**Mercer County Bar Association** ..... (609) 585-6200  
Refers callers, at no charge, to an attorney who has experience with your type of problem or question.

**Legal Aid Society of Mercer County** ..... (609) 695-6249  
Helps indigent people find legal assistance.

**Office of the Governor (Constituent Relations)** ..... (609) 777-2500  
Represents citizens in public interest matters.

**Office of the Mercer County Prosecutor** ..... (609) 989-6351  
Investigates and prosecutes crimes Committed in Mercer County

**Office of the Public Defender** ..... (609) 292-4081  
Represents indigent people in criminal matters.

**Voter Registration** ..... (609) 989-6750  
Helps people with registering to vote and sends out information.

# About this Book

**“Hey, I’m 18!”** is a public education project undertaken and developed by the Mercer County Bar Association to provide a reference for young adults to explain their legal rights and responsibilities. The project epitomizes the Bar Association’s desire to educate the general public – especially young adults.

**“Hey, I’m 18!”** will explain certain legal rights to you which you may find useful. It is not designed to be a legal opinion on any specific facts or circumstances, but is intended to provide you with general information so that you will know to contact the appropriate agency or attorney with any specific legal questions you may have.



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## Jury Duty

A juror plays a very important role in our legal system. Jurors decide factual issues and resolve disputes in criminal and civil matters. To serve on a jury, you must be at least 18 years old, a resident of the county in which you are called to serve, and have the ability to read and write English. You will be excused from jury duty if you have been convicted of certain crimes, hold an office or position which is either directly or indirectly connected with in the administration of justice, or have a mental or physical disability which prevents you from serving. Once you serve as a juror, you will not be eligible to do so again for one year.

## Military Service

Although the draft is technically no longer in effect, all 18-26 year old males are required to register for military service. You must register within 30 days of your 18<sup>th</sup> birthday and may do so by filling out forms available at your local post office. The form is returned to you and you will be assigned a classification number.

Although there is no draft, failure to register for selective service may bar you from any federal assistance, including student loans for college, and any federal employment or aid. Criminal penalties can also apply for failure to register.

If you have completed your junior year of high school and are asked to enter the active military service in time of war, the law provides that you shall be given credit for your senior year and are entitled to receive a diploma.

law provides the court power to issue certain emergency orders restraining the offender from contacting the victim. Such orders prohibit acts of domestic violence and abuse; restrain the offender from disposing or damaging property, or require the offender to vacate the home. A court order may also include temporary custody and support, counseling or other provisions. The final order is permanent and stays in effect until further order of the court.

The Domestic Violence law applies to household members, spouses, persons who have a child in common or anticipate having a child in common (if one of the parties is pregnant), and to persons who have had a dating relationship. In addition to a family court action for a restraining order, an act of domestic violence may also result in a criminal complaint.

## Voting & Jury Duty

As an adult, you now enjoy some basic American privileges: the right to vote and serve on a jury.

### Voting

Voting gives you the right to direct and determine the direction of this country. This right is important, because it's your future, too. To be eligible to vote, you must be 18 years old, a citizen of the United States and a resident of New Jersey and your county for at least 30 days.

You must register with the county clerk 29 days before the election. At the clerk's office you will be given an application to complete. On the application you will be asked to choose a political party, and the party you choose determines in which primary you may vote. However, it is not mandatory that you choose a party and you may register as an Independent. If you register as an Independent, you will not be eligible to vote in any primary, but you will be able to vote in any general election. In March, be on the lookout for voting registration activities in your community.

## Introduction

In New Jersey, the age of majority – the age at which the law considers you an adult – is 18. The law extends to persons 18 years of age and older certain “basic civil and contractual rights and obligations.”

As a young adult, you now have the right to contract, sue, be sued and defend civil actions, obtain public employment, be granted a license for a business or profession, serve on a jury, marry, adopt children, participate in legalized gaming (except casino gambling), sell alcohol (although you can't purchase or consume it until you're 21), consent to medical treatment, execute a will, and inherit, purchase, mortgage and sell property.

**“Hey, I’m 18”** is designed to explain many of these legal rights and responsibilities.



## Age Discrimination

Age discrimination is any treatment of an individual in a manner different from others based solely or primarily upon age. While most people associate “age discrimination” with the deprivation of some right or privilege to an older person, it also protects you as a young adult.

Under the New Jersey Law Against Discrimination, the failure to treat you fairly and equally because of your age is unlawful not only with regard to employment, but in housing, credit, educational and various other opportunities. If you think you have been discriminated against, you should contact the New Jersey Division on Civil Rights for further information.

## Employment

### Wages

As a young adult you may be starting to work full time. If you work, you must be paid at least the minimum wage established by law. If you work more than 40 hours per week, you should be paid overtime, at 1 and ½ times your regular hourly rate. If you have any complaints that you have not received your wages in full, have been paid below the minimum rate, have not been paid the correct rate for overtime, or have any concerns about your pay, you should contact the New Jersey Department of Labor, Office of Wage and Hour Compliance at (609) 292-7860. The Office oversees complaints of failure to pay the proper wages for any claims under \$10,000.

### Workplace Safety

Federal and state laws govern safety in the workplace. The laws are designed to ensure that the workplace is free from hazards and that you are not exposed to harmful chemicals or contaminants.

are responsible to pay for the car even if your marriage breaks up. Marital property will be divided between the spouses; marital property is basically all property acquired by each or both of the partners during the marriage. This does not include gifts from third parties, inheritances, or premarital assets; gifts between spouses, however, are considered marital property. How property gets awarded does not depend on marital misconduct. You may also be responsible to pay your ex-spouse alimony, that is, support for the spouse. This is based on each individual case and circumstance.

### Custody and Child Support

A judge will make the final decision on custody of a child by investigating the best interests of the child and by giving consideration to each parent. After a couple separates, the court may require either or both to pay child support. This allows money to care and provide for the child, and has nothing to do with fault of a parent for the failure of the marriage.

New Jersey has published Child Support Guidelines to help the court determine how much each parent should pay toward support based on their combined net incomes and number of children. You are responsible for your child's support until the child's “emancipation.” This may extend until after the child's 18<sup>th</sup> birthday if the child is in high school or college full-time. Parents must have health insurance for their child and pay the expenses not covered by insurance and may also be required to contribute to the child's college education.

### Abortion

Questions on birth control are best answered by a doctor or health official. In New Jersey, there are no laws barring birth control, and, to date, there are no laws forbidding abortion.

### Domestic Violence

Domestic Violence is a serious problem and victims may file a petition in court to seek protection from violence or abuse. New Jersey



## Family Law

### Getting Married

Now that you are 18, you do not have to ask your parents for permission to marry. New Jersey does not recognize common law marriages. You will need to obtain a marriage license before the wedding day. Go to the clerk of the municipality where the female resides to apply for a license. If she is a non-resident, go where the male resides. If both are non-residents, go where the ceremony is to be performed. The license cannot be issued sooner than 72 hours after you apply and will be valid for 30 days from the date it was issued.

Marriages between ancestors and descendants and all blood relations nearer than cousins are prohibited. A blood test is no longer required in order to get a license.

The wedding ceremony may be performed by a minister, priest, rabbi, judge, surrogate, mayor, township committee chair, or a religious society. A religious society may marry a member according to its own rules and customs. You will have to invite at least two additional people to witness your wedding. These people are usually the best man and maid of honor.

### Divorce

No one likes to admit having made a mistake in marriage, but sometimes things just don't work out. New Jersey allows for "no fault divorce" if you separate from your spouse and live apart for 18 months or longer and there is no reasonable prospect of reconciliation. "Fault" grounds for divorce also exist, including extreme cruelty, adultery, desertion, deviant sexual conduct, alcoholism, drug abuse, imprisonment, and institutionalization for mental illness. The waiting period and requirements for these actions vary and should be discussed with a lawyer.

Each spouse owes what he or she was responsible for before the marriage. If you bought a car on credit before the marriage, you

The New Jersey Department of Labor also inspects workplaces for compliance with safety regulations and you may call their office to check on any potential hazards where you work.

### Workers' Compensation

If you suffer any injury on the job which makes it impossible to work, your employer must pay you workers' compensation benefits. Workers' Compensation pays partial income (70% of your weekly gross pay not to exceed the weekly maximum set by law) for any injury which temporarily disables you from work, provides payment for employer-authorized medical treatment for your injury, and awards permanent payment if your injury is medically determined to be permanent.

### Job Security

In New Jersey, an employer can fire an employee without cause unless the employee is either protected by a contract, or the reason for the termination violates a legal statute. This means that unless your termination violates a contract or a statute your employment is "at the will" of your employer and that employer can fire you for any reason or no reason whether or not it seems fair. Union contracts provide that an employee can only be fired for cause in accordance with the disciplinary rules of the contract. Sometimes an employment manual gives employees contractual rights. Highly paid or highly desirable employees can sometimes negotiate individual contracts. Discrimination statutes make it unlawful for employers to fire someone on the basis of certain personal characteristics such as race, national origin, age, sex, religion, handicap or disability, marital status, pregnancy, and, in New Jersey, sexual orientation and HIV status. It is also unlawful for an employer to fire an employee for reporting a violation of the law by the employer, for filing a claim for wages or worker's compensation benefits or for asserting a discrimination complaint. If you believe you have been fired unlawfully, you should contact the New Jersey Division on Civil Rights or the Equal Employment Opportunity Commission (EEOC).



## Unemployment

If for some reason you lose your job because of a layoff or discharge by your employer, you may be eligible to receive unemployment benefits, unless you have been fired for gross misconduct. You are generally not entitled to such benefits if you voluntarily resign or leave your job unless you can demonstrate “good cause” forcing you to leave. If you lose your job for any reason, you should contact your local unemployment office to see about benefits.

## Statute of Limitations

If you think you were injured by any action of your employer or you were hurt on the job, you may have a legal claim, you must remember that all claims have a statute of limitations – that is, a time period within which a claim must be made. As an example, a discrimination claim before a state agency must be made within 180 days of its occurrence; a law suit for discrimination must be filed within two years. If you do not file your claim before the limitations’ period has ended, you will be forever barred from filing any claim or receiving compensation for your claim or injury.



If you have just turned eighteen, you have grown up in the Age of the Internet. You are accustomed to pointing and clicking and obtaining near-instant information, communication, sales transactions and music, among other things. You need to understand a few things about internet safety from three points of view—criminal exposure, civil exposure, and physical safety.

First, criminal law. The USA Patriot Act of 2001, passed in response to September 11, gives broad powers to law enforcement officials to not only intercept electronic communications relating to terrorism, but also to obtain other information from you or your business, and to investigate incidents of

happens to your property if you should die. Making a will allows you to make sure that your affairs are in order according to your wishes rather than someone else’s. To make sure that your will is legally sufficient and can be admitted to the court for probate – the legal process which establishes the genuineness of the will – you should sign and date your will before two witnesses who must also sign it. It is also a good idea to have your will notarized. By doing so, your will is self-proving and your witnesses will not be required to appear in court to probate the will.

## Power of Attorney

Now that you are 18 years old, you may make or be named in a power of attorney – a document which allows a person to handle the business affairs for another in the event of a disability. A person is under a disability if he or she is unable to manage property or affairs for reasons such as mental or physical illness, chronic use of drugs, intoxication or confinement. If the document is a durable power of attorney you can handle a person’s affairs even if they are not disabled or incompetent. The document must be signed before a notary public, and is effective until it is revoked or until the death of its maker.

## Living Wills

As a young adult, you have the right to determine or refuse medical or surgical care. To ensure that you decide your own treatment even if you become physically or mentally disabled, you are able to write a living will or advance health care directive to advise family members and doctors when, and in what circumstances, life-sustaining treatment or other medical procedures that increase life expectancy should be withheld or withdrawn in the event of a terminal illness or irreversible medical condition. A living will must be dated and signed in the presence of two adult witnesses and a notary public.

While many 18-year-olds might not think that a power of attorney or living will is necessary, these documents allow you to responsibly prepare for health care and business decision-making, and may save your family and friends grief if something were to happen to you as a result of a sudden accident or illness.



If you are charged with a crime, you will face trial as an adult and all penalties, including a jail term, will apply. If you are charged with any crime and face a “substantial consequence” such as a jail term, a significant fine or loss of a motor vehicle license, you have the right to be represented by an attorney. If you cannot afford an attorney, you may apply to the court for the appointment of a public defender at no charge to you.

To guarantee that you appear for any court proceedings, you may be required to post bail. Bail is an amount of money determined by the court to allow you to be released from custody and to assure that you are present whenever court is scheduled. Bail is set according to the type of crime alleged, your criminal record, any prior history of appearance or non-appearance in court, and is determined on a case-by-case basis. Except for specific crimes which require a cash bail, the court may give you a 10% option whereby you are required to post 10% of the bail in cash or property in order to be released. If you appear for all court proceedings, your bail will be released to you; if you fail to appear for any scheduled appearance; your bail can be forfeited and you may face additional criminal charges.

## Expungement

As an 18-year-old, any criminal conviction will become part of your adult record unless it is expunged. Under certain circumstances, if you have been convicted of a criminal offense, you may apply to the court for a criminal expungement, a process that allows the conviction to be removed from your criminal record. Expungements are available for certain types of offenses and have specific waiting periods depending on the type of conviction.

## Estate Planning

### Wills

Although it may be depressing to think about it, now that you are 18 you can make a will. A will contains your personal instructions directing what

“computer trespassing.” Do not engage in practical jokes or hacking of sensitive sites, and be wary of with whom you might be communicating in chat rooms. Other statutes relate to pornography, particularly involving children. The Communications Decency Act of 1996 prohibits certain “indecent” communications over the Internet to minors. Again, be aware of such laws before you decide to send messages over the Internet that could be interpreted to trigger these laws. While there are challenges to such laws as overbroad or unconstitutional, and such laws are complex and may never involve a superficially innocent email, you must understand the broader background and the possibility of exposure.

Next, civil exposure. As a legal adult you can enter into, and be held liable, for contracts. Read carefully the licensing agreements and other “legalese” you may be required to click before proceeding into a site or with a purchase. There is a law permitting electronic signature. On the other hand, you have consumer rights. The best legal advice is to proceed with caution and make sure you understand what you are reading. Another issue that comes up on the internet relates to defamation—saying something negative about someone that is false, or is true but taken out of context, puts someone in a “false light.” If you defame someone in a chatroom or publicly, you can be sued in appropriate circumstances, and you may even find yourself sued in another state. Still other issues relate to “intellectual property”—the rights people have in their names and brands (trademarks), creative expression, like songs (copyright) and ideas (patents). Downloading music for private use is one thing; sharing and sending to others may implicate copyright law issues and expose you to litigation by the music companies or others.

Finally, physical harm. The Internet is a vast and often anonymous place. You really do not know who you are talking to. Be wary of requests to meet and other suggestions for contact, or sending money. There are many scams out there. Be wary.



# Consumer Rights

## Contracts

As an 18-year-old, you are now able to enter into binding contracts such as applications for credit, loans or insurance policies. These contracts may be written or implied and you are bound by the terms of the agreement. You no longer have the right to disaffirm and be relieved of any contractual obligations merely because of your age. As an adult, it is presumed that you know what you are signing, have read the document and agreed to sign it.

## Plain Language Law

New Jersey has adopted a plain language law which requires that all “consumer contracts” including leases, credit applications, insurance policies and contracts for professional services be written in simple, understandable and easy-to-read language.

## Credit Cards

You are now old enough to apply for a credit card. You cannot be denied credit solely because of your age once you have turned 18 or because of your race, sex, color, religion or marital status. If your application for a credit card is denied, a creditor must tell you the reasons for the rejection, if you request it. You also have the right to inspect your credit history – the records of whether you have paid your bills on time. If you find any errors in the report, you are entitled to submit an explanation which will be made a part of your credit history. If any application for credit has been rejected because of an error in your credit history, you have the right to correct it. If you obtain credit, credit card companies must tell you how much your card will cost you – the “finance charge.” The finance charges refer to the annual percentage rate of interest (APR) which you must pay for the luxury of having a credit card.

breathalyzer can also be used as evidence against a person charged with DWI. If you are convicted of drunken driving and refusal, you can expect a one year loss of license, six months for the drunken driving and six months for the refusal.

## Underage Drinking and Driving

It is illegal in New Jersey for any person under 21 years of age to drive a car with a blood alcohol concentration (BAC) of .08%. A conviction will result in a loss of license between 30 and 90 days (which will start when you receive your license if you are driving under a permit), community service (15-30 days) and completion of the IDRC Program (12-48 hours). These penalties are also in addition to any you may receive for drunken driving arising out of the same incident.

# Criminal Law

As an 18-year-old, you will also be treated as an adult if you are arrested. You may be arrested with or without a warrant. A warrant is a specific order issued by a court to allow the police to take you into custody. If there is probable cause to believe you committed a crime, e.g., where an officer sees you violating the law you can be arrested – without a warrant.

During an arrest, an officer may use whatever force is necessary, including deadly force, to place you into custody. After you are under arrest, the police have the right to request identification from you and to take your photograph, fingerprints, and may be able to search you or your belongings.

As an adult you are entitled to be advised of your rights upon an arrest. You have the right to consult with a lawyer before speaking with the police and the right to telephone an attorney or your friends or family to notify them of your arrest. The police are required to inform you of your right to remain silent and your right to refuse to answer any questions because any statement you may make may be used against you as evidence.



conduct, your ability to perform tests at the scene or at police headquarters, and physical characteristics, such as watery or bloodshot eyes, slurred speech and the odor of alcohol.

The law regarding second and third convictions has not changed. A second conviction will result in a two-year loss of your driver's license, a fine of \$500 - \$1,000, a jail term of 2-29 days, 30 days of community service, and a referral to IDRC. A third violation will result in a ten-year loss of your driving privileges, a fine of \$1,000 and 180 days in jail. Penalties are enhanced if you are found guilty of driving while intoxicated within 1,000 feet of a school. In addition, a mandatory surcharge of \$1,000 per year will be imposed by the Division of Motor Vehicles for three (3) years on all convictions.

Drinking and driving can also have serious repercussions on your automobile insurance. If you are convicted of driving while intoxicated, nine (9) insurance points will be assessed on your automobile insurance record for each of the next three years. Your insurance premium will also double or triple for three years.

## Breathalyzers

Because some drivers think that the state cannot prove a drunken driving case without a breath sample, they refuse to take the breathalyzer. By operating a car on a public road, you have consented to the taking of samples to determine the content of alcohol in your blood if requested to do so by a police officer. The legal test to determine whether you illegally refused the breathalyzer requires only that the arresting officer have a probable cause – a reasonable suspicion – to believe that you were driving or in physical control of a motor vehicle while under the influence of alcohol. Accordingly, there are very few defenses for you if you refuse. The penalties for a refusal are a fine of at least \$250 and a loss of license for six months. These penalties are in addition to those you may receive for drunken driving. Refusal to take a

## Paying Your Bills

When you secure any credit, including a credit card, you promise to pay according to the schedule set by the company or business to whom you owe money. If you fail to pay, the company – which is now a creditor – can take certain actions to collect the debt depending on whether the debt is “secured” or “unsecured”. A secured creditor has a lien on your real estate or on the property you purchased. As an example, if you borrow money to buy a car, the loan will be secured; the bank or company that loaned you money will hold the title to your car until you pay the loan in full. If you fail to pay a secured creditor, the item you purchased – such as your car – can be repossessed. An unsecured creditor cannot take any of your property without filing a complaint against you in court and obtaining a court judgment. After a judgment has been obtained, the creditor can attempt to collect any unpaid money from you by seizing your bank account or property, or having money taken directly from your pay by a wage execution or garnishment until the debt is paid in full.

Under the New Jersey Consumer Credit Transaction Act, you have the right to an explanation of any billing and a correction of any billing errors. The act contains procedures for resolving any billing disputes; you must notify a creditor within 60 days of the mailing of your bill of any suspected error or item you want explained, and you must provide reasons you believe the bill is wrong. Until you receive an explanation or correction of your bill from that creditor, it cannot sue you or threaten your credit.

## Bank Accounts

As an 18-year-old, you no longer need a trustee for your bank accounts and may now own a checking or savings account in your own name. You must do so in person at the bank by making a deposit and completing a signature card so that your bank has your signature on file to be sure that only you write checks or make withdrawals from your account.



have in your checking account, the bank will notify you that there are insufficient funds to cover the check and may require that you make a deposit to make up the difference, and can charge you a fee or penalty. In fact, it can be against the law to write a "bad check" – a check for more money than you know is in your account. The law presumes you knew it was a "bad check" if: (1) you had no account with the bank when you wrote the check, or (2) payment on the check has been refused by your bank for lack of funds and you fail to deposit enough money to cover the check within ten days after receiving notice of the lack of funds. The degree of the criminal charge is determined by the face amount of the check.

You may also be sued in civil court for a bad check that you fail to make good after notice. Unless you can prove that your failure to satisfy the check was due to economic hardship, the court can order that you pay, in addition to the amount of the check, attorney fees, court costs and other fees and damages not to exceed \$500.

## Bankruptcy

While the thought of claiming "bankruptcy" may be frightening, it is a legal procedure which allows you to eliminate most, if not all, of your debt or to manage your debts pursuant to a plan set by the Court. Since certain debts, like family obligations, student loans, and certain taxes cannot be discharged by bankruptcy, and since the filing of bankruptcy may have an effect on your credit as an adult, you should review any potential bankruptcy filing with an attorney.

## Apartments/ Housing

### Renting

You may now be looking for a place to live on your own. In New Jersey, it is illegal for a landlord to refuse to show or rent property to you or require different rental terms because of your age, race, sex or marital status. The law also prevents a landlord from discriminating against you because you receive public assistance, alimony or child

age to enter a bar or liquor store to purchase alcoholic beverages or to have someone purchase it for them. The penalties for possession or consumption of alcohol by an underage person are a fine of \$500-\$1,000, up to 180 days in jail, and a potential driver's license suspension if a motor vehicle is involved.

## Drugs

It is against the law in New Jersey to possess, with the intent to use or distribute, any controlled dangerous substances (CDS) or drug paraphernalia such as a pipe or syringe. In addition to fines and jail terms which can be imposed, mandatory drug enforcement demand reduction penalties, known as DEDR penalties, and lab fees of at least \$650 must be assessed. Additionally, a conviction of any drug offense will result in a loss of your driver's license for six months to two years, whether or not a car was involved.

## Drinking and Driving

It is illegal to operate any motor vehicle or allow someone to operate a vehicle while under the influence of intoxicating liquor or drugs. The state can prove "under the influence" in one of two ways: by a Breathalyzer reading or by observation. The first way is for the state to prove that you operated a car with a blood alcohol concentration (BAC) of .08 percent or more. The law changed recently to lower the level from .10% to 0.08%. The lower level will affect first time offenders who will face a less stringent penalty if they are between .08% and .10%. For first time offenders with the lower BAC, the fine imposed would be \$250 to \$400, referral to an Intoxicated Driver Resource Center, or IDRC (12-48 hours) and a license suspension would be for only three months. A first time offender with a BAC of .10% or greater is subject to a fine that ranges from \$300 to \$500, a referral to IDRC (12 to 48 hours) and the mandatory loss of license from 7 months to a year and the possibility of a 30 day jail term. Even in the absence of a breathalyzer reading or other scientific evidence, the state can prove drunken driving by observation, including your driving



## Insurance

If you buy a car, you have to insure it. In New Jersey, it is against the law to own or operate a car without liability insurance. The minimum requirements for liability insurance are \$15,000 per person, \$30,000 per accident for bodily injury and \$5,000 for property damage. It is against the law for any insurance company to discriminate because of your age in issuing insurance or fixing the rates or conditions of your policy.

You must provide proof of insurance, which is usually an identification card provided by your insurance company, when inspecting or registering your car or when requested by any police officer. If you are convicted of driving without insurance, you will receive a minimum fine of \$300, community service and loss of license for one year. Upon a second conviction, a jail term must be imposed in addition to a two-year loss of license and a fine of up to \$3,000.

In securing insurance, you should also be aware of protecting your rights in the event that you are injured in a car accident. You can select options in your insurance policy in the event you are injured in a car accident and seek compensation for lost wages, pain and suffering. You can choose a “no threshold” option or a “lawsuit” option. If you choose the lawsuit option, you may not be able to recover against another driver for pain or suffering resulting from a car accident unless you can prove you’ve satisfied the threshold with a claim such as death, dismemberment, disfigurement, fracture, or life-long physical damage. With the no threshold option, you reserve the right to bring a claim against any driver who injures you and seek compensation for any damages including pain, lost wages or suffering, regardless of the severity of your injury.

## Alcohol & Drugs

### Alcohol

The legal drinking age in New Jersey for alcoholic beverages, including any liquor, beer and wine, is 21. It is also against the law for anyone under that

support; the landlord must consider all income you have and must accept payment for rent even if the payment is made by someone else. The law also prohibits any landlord from refusing to rent to you or setting different terms for you because you are married or unmarried, or because you have children. These laws do not apply to an apartment in a two-family dwelling, the other unit of which is occupied by the owner as his or her residence, or to a room you rent from an owner/occupant of a one-family home.

## Leases

You may rent with or without a written lease agreement between you and the landlord. In New Jersey, most tenancies are month-to-month whether a written agreement exists or not. In a month-to-month tenancy, while you can move out on a month’s notice to the landlord, the landlord must renew the tenancy and cannot force you to move out unless he or she can establish, in court, good cause why you should be evicted. “Cause” is defined by law and includes failure to pay rent, disorderly conduct which disturbs other tenants or a substantial breach of the rules and regulations. The Summary Dispossess Act which allows a landlord to evict a tenant only for “cause” does not apply to owner-occupied premises with not more than two units, to seasonal tenants such as summer rentals, or to rooming, boarding houses and mobile homes.

## Security Deposit

Whenever you rent an apartment or house, you may be required to place a security deposit with your landlord – money held by your landlord while you are a tenant to pay any rent or utility bills you may owe when you leave the premises, or to fix any damage you caused. By law, a security deposit cannot be more than 1 and ½ month’s rent. Your money must be deposited in an interest-bearing account under your social security number and you must receive notice of the location of the bank and a yearly accounting. If the landlord fails to tell you, in writing within 30 days of your tenancy, the name and address of the bank which holds your security and the account number, you can require



your landlord to credit that deposit in place of your monthly rent. You will not have to post a security deposit again.

Once you move out, you are entitled to a return of your security deposit or a notice from your landlord, within 30 days by certified letter, advising you of any portion of your deposit which will not be returned. If the landlord fails to provide you with the written reasons for keeping your security deposit, the landlord may not keep any of it and you can sue the landlord in court for damages, including double the amount of your deposit, reasonable attorney fees and court costs. A security deposit cannot be used by the landlord to pay for cleaning and repair costs due to normal wear and tear.

## Eviction

A landlord cannot break into or lock you out of your apartment, move or discard your belongings or turn off your heat or utilities. If a landlord wants to evict you, a sheriff's officer is the only person who can legally move your property after a court decision in favor of the landlord.

With or without a lease, a landlord, in most cases must give you written notice of intention to evict you and can only do so in New Jersey for "cause." If you have not been paying rent, the landlord, without notice, may file a complaint asking the court to make you vacate your apartment and evict you. If you receive such a complaint, you must either pay your rent in full or face eviction.

Other reasons for eviction include disorderly conduct, habitually paying your rent late or a breach of the rules and regulations of the apartment. In most cases, your landlord must provide you with a "notice to cease" to advise you of the problem and request that it not occur again. If you comply with the notice, you may not be evicted. If you do not comply, the landlord must serve a "notice to quit" demanding possession of your apartment and requesting that you vacate. If you fail to move out, the landlord will bring an action in court for your eviction. You may appear in court with a lawyer or defend yourself. If you win, the court can order the landlord to let you stay; if you lose, the court will issue a "judgment of possession" to the landlord, a document which gives the sheriff the right to remove you and your possessions

from the property. After a judgment of possession is ordered by the court, you have three business days to move out; any belongings you leave behind are considered abandoned. You may request a hardship stay within three days of the issuance of a warrant for removal. If the judge grants you a stay, you must pay the full amount of arrears into court.

## Automobiles

### Buying a Car

You may now be thinking about buying your first car. New

Jersey has recognized that the purchase of a new car is a high-cost transaction and the inability to correct defects in cars can create a major hardship. New Jersey has a "Lemon Law" which requires the manufacturer to correct defects which substantially impair the use, value or safety of any new car or motorcycle.

The law requires the manufacturer to repair such defects if you report them within the first 18,000 miles of operation or within two years of the vehicle's delivery to you, whichever is earlier. If repairs are made after the first 12,000 miles or after one year from delivery, you must pay for them and bring an action against the manufacturer for reimbursement.

If the manufacturer or dealer cannot repair the defect within a reasonable time, the law requires a refund of the purchase price to you less an allowance for your prior use of the car. The manufacturer may offer to replace the vehicle but you may demand a refund.

The law presumes that a manufacturer or dealer is unable to repair a defect within a reasonable time if: (1) the same defect has been repaired three or more times and continues; or (2) the car is out of service because of the defect for a total of 20 or more days since its delivery and the defect continues.

If you purchase a used car, unless you secure a warranty in writing, you buy the car "as is" along with all its defects. A title must accompany any automobile transfer and must include a written disclosure of the car's odometer (mileage) reading at the time of sale.



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