

ASSEMBLY, No. 4753

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Co-Sponsored by:

Assemblyman Benson, Assemblywoman McKnight, Assemblyman Moriarty, Assemblywoman Reynolds-Jackson, Assemblymen Karabinchak, Auth, Assemblywomen Carter, Piperno, Eulner, Assemblymen Space, Wirths, Assemblywomen Mosquera, Lopez, Assemblyman Tully and Assemblywoman Swain

SYNOPSIS

Allows cure period for businesses to address and resolve certain violations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT concerning certain violations by businesses and
2 supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Notwithstanding any other law to the contrary, a State
8 agency, department, or authority may suspend enforcement of any
9 administrative fine or civil penalty, for a period of 60 calendar days,
10 that would otherwise be imposed on a business for a first-time
11 violation that does not or would not result in a significant adverse
12 impact to the public safety or welfare, unless the violation is:

13 (1) of a criminal nature;

14 (2) an intentional or knowing act;

15 (3) grounds for the revocation or suspension of the license,
16 certification, good standing, or other authorization to operate the
17 business;

18 (4) grounds for the business to be debarred by the Department of
19 Labor and Workforce Development from engaging in or bidding on
20 public works contracts in New Jersey; or

21 (5) any State employment or labor-related law.

22 A business shall address and resolve the violation during the 30-
23 calendar day cure period or shall be assessed all fines and penalties
24 available under the law upon the expiration of that term.

25 b. The 60-calendar day cure period provided by subsection a.
26 of this act shall run from the date on which the business receives
27 notification of the violation in writing from the State agency.

28 c. Starting on January 1 of the year next following the effective
29 date of P.L. , c. (C.) (pending before the Legislature as this
30 bill), a State agency, department, or authority shall report, on an
31 annual basis, any infractions it has waived over the prior calendar
32 year in accordance with P.L. , c. (C.) (pending before the
33 Legislature as this bill), in a prominent manner that is accessible to
34 the public on its Internet website.

35 d. A State agency, department, or authority shall adopt rules
36 and regulations pursuant to the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be needed to
38 effectuate this act.

39 e. As used in this section:

40 "State employment or labor-related law" means:

41 (1) P.L.1965, c.173 (C.34:11-4.1 et seq.);

42 (2) The "New Jersey Prevailing Wage Act," P.L.1963, c.150
43 (C.34:11-56.25 et seq.);

44 (3) The "New Jersey State Wage and Hour Law," P.L.1966,
45 c.113 (C.34:11-56a et seq.);

46 (4) The workers' compensation law, R.S.34:15-1 et seq.;

47 (5) The "unemployment compensation law," R.S.43:21-1 et seq.;

1 (6) The "Temporary Disability Benefits Law," P.L.1948, c.110
2 (C.43:21-25 et al.);

3 (7) P.L.2008, c.17 (C.43:21-39.1 et al.);

4 (8) The "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et
5 seq.; or

6 (9) P.L.2018, c.10 (C.34:11D-1 et seq.).

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8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill would provide a State agency with the discretion to
14 suspend enforcement of any administrative fine or civil penalty
15 against a business for certain first-time violations that do not or
16 would not result in a significant adverse impact to public safety or
17 welfare. A business would not be eligible for suspension of
18 enforcement of a fine or penalty if the violation is:

19 (1) of a criminal nature;

20 (2) an intentional or knowing act;

21 (3) grounds for the revocation or suspension of the license,
22 certification, good standing, or other authorization to operate the
23 business;

24 (4) grounds for the business to be debarred by Department of
25 Labor and Workforce Development from engaging in or bidding on
26 public works contracts in New Jersey; or

27 (5) any State employment or labor-related law.

28 Under the bill, the business would have 60 calendar days to
29 address and resolve the violation or would be assessed all fines and
30 penalties available under the law upon the expiration of that term.

31 The bill provides that a State agency, department, or authority is
32 required to report, on an annual basis, any infractions it has waived
33 over the prior calendar year in a prominent manner that is accessible
34 to the public on its Internet website.