ASSEMBLY, No. 4753 STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 3, 2022

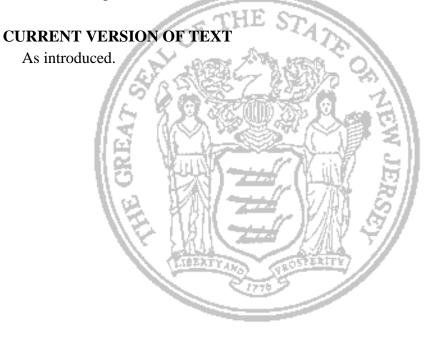
Sponsored by: Assemblyman ROY FREIMAN District 16 (Hunterdon, Mercer, Middlesex and Somerset) Assemblywoman ELLEN J. PARK District 37 (Bergen) Assemblywoman PAMELA R. LAMPITT District 6 (Burlington and Camden)

Co-Sponsored by:

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

SYNOPSIS

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



(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 agency, department, or authority may suspend enforcement of any 8 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, certification, good standing, or other authorization to operate the 16 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) (pending before the Legislature as this date of P.L., c. (C. bill), a State agency, department, or authority shall report, on an 30 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 and regulations pursuant to the "Administrative Procedure Act," 36 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.;

A4753 FREIMAN, PARK

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.).
7	
8	2. This act shall take effect immediately.
9	
10	
11	STATEMENT
12	
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.