

ASSEMBLY, No. 4374

STATE OF NEW JERSEY 221st LEGISLATURE

INTRODUCED MAY 16, 2024

Sponsored by:

Assemblywoman LINDA S. CARTER

District 22 (Somerset and Union)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen Miller and Hutchison

SYNOPSIS

Establishes criminal penalties for certain violations of the “New Jersey Prevailing Wage Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2024)

1 AN ACT establishing criminal penalties for certain violations of the
2 “New Jersey Prevailing Wage Act” and supplementing Title 2C of
3 the New Jersey Statutes.

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

7
8 1. a. It shall be a crime of the fourth degree for an employer to:
9 (1) knowingly falsify a certified payroll record or other record
10 required pursuant to the provisions of the “New Jersey Prevailing
11 Wage Act,” P.L.1963, c.150 (C.34:11-56.25 et seq.); or

12 (2) willfully make, or cause to be made, a false, deceptive, or
13 fraudulent statement on a public works contractor registration form
14 in connection with the requirements pursuant to section 5 of
15 P.L.1999, c.238 (C.34:11-56.52).

16 b. A county prosecutor or the Commissioner of Labor and
17 Workforce Development, as appropriate, shall notify the Attorney
18 General that a violation of this section has occurred so that the
19 Attorney General may make a determination regarding whether to
20 exercise the authority granted to the Attorney General pursuant to
21 section 10 of P.L.1970, c.74 (C.52:17B-106) to supersede a county
22 prosecutor for the purpose of prosecuting or investigating the
23 violation or, if appropriate, to refer the case to the county prosecutor
24 for investigation and prosecution or other appropriate legal action.

25 c. A penalty imposed pursuant to this section shall be in addition
26 to any other penalty that may be imposed in connection with the
27 offense.

28
29 2. This act shall take effect immediately.

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32 STATEMENT

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34 This bill establishes criminal penalties for certain violations of the
35 New Jersey Prevailing Wage Act.

36 The “New Jersey Prevailing Wage Act,” P.L.1963, c.150
37 (C.34:11-56.25 et seq.), establishes penalties for certain fraudulent
38 acts of an employer who is subject to the provisions of the act,
39 including falsifying a record required under the provisions of the
40 New Jersey Prevailing Wage Act; or willfully making, or causing to
41 be made, a false, deceptive or fraudulent statement on the public
42 works contractor registration form required under current law. A
43 person who commits a violation under current law is guilty of a
44 disorderly persons offense, is subject to penalties which include a
45 fine of between \$2,500 and \$25,000, and is disqualified from bidding
46 on or engaging in public work for a period of up to three years.

47 This bill provides that a person who commits a violation also is
48 guilty of a crime of the fourth degree under the Title 2C, the Criminal

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1 Code. A crime of the fourth degree is punishable by a fine of up to
2 \$10,000, a term of imprisonment of up to 18 months, or both.

3 The bill further provides that a county prosecutor or the
4 Commissioner of Labor and Workforce Development, as appropriate,
5 is required to notify the Attorney General that a violation under the
6 bill has occurred so that the Attorney General may make a
7 determination regarding whether to exercise the authority granted to
8 the Attorney General pursuant to the "Criminal Justice Act of 1970"
9 to supersede a county prosecutor for the purpose of prosecuting or
10 investigating the violation or, if appropriate, to refer the case to the
11 county prosecutor for investigation and prosecution or other
12 appropriate legal action.