

**ASSEMBLY, No. 4618**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 20, 2024

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Requires official inspection facility employees covered by collective bargaining agreement to be offered employment following contract renewal; requires collective bargaining agreement to be binding in certain cases.

**CURRENT VERSION OF TEXT**

As introduced.



A4618 VERRELLI

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1 AN ACT concerning employment at official inspection facilities and  
2 amending P.L.1995, c.112.

3

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

6

7 1. Section 4 of P.L.1995, c.112 (C.39:8-44) is amended to read  
8 as follows:

9 4. a. The State Treasurer shall either:

10 (1) Assign to the State the full responsibility for the design,  
11 construction, renovation, equipment, establishment, maintenance,  
12 and operation of official inspection facilities and other aspects of  
13 the inspection and maintenance program, including safety  
14 inspections;

15 (2) Enter into a contract or contracts with a private contractor or  
16 contractors for the design, construction, renovation, equipment,  
17 establishment, maintenance, and operation of official inspection  
18 facilities and other aspects of the inspection and maintenance  
19 program, including safety inspections; or

20 (3) Assign to the State partial responsibility and enter into a  
21 contract or contracts with a private contractor or contractors for the  
22 remaining responsibility for the design, construction, renovation,  
23 equipment, establishment, maintenance, and operation of official  
24 inspection facilities and other aspects of the inspection and  
25 maintenance program, including safety inspections.

26 The State Treasurer shall choose one of the options pursuant to  
27 this subsection based on a determination of the best interests of the  
28 citizens of New Jersey. At least seven business days prior to the  
29 award of a contract that includes the operation or maintenance of an  
30 official inspection facility pursuant to this section, the State  
31 Treasurer shall issue a notice of intent to award the contract and  
32 shall submit to the Legislature the notice of intent and a report  
33 describing the option chosen, which shall include an economic  
34 analysis of the three options listed in this subsection with respect to  
35 the operation or maintenance portion of the contract.

36 b. (1) A contract authorized by this section may, subject to the  
37 provisions of subsection f. of R.S.39:8-2, include the purchase,  
38 lease or sale of an interest in real or personal property. The State  
39 Treasurer is authorized to exercise all authority of the Directors of  
40 the Division of Purchase and Property and of the Division of  
41 Building and Construction to award the contract or contracts  
42 authorized by this section as a single contract, multiple branch  
43 contracts or multiple single contracts. Any contract awarded  
44 pursuant to this section shall be awarded in accordance with the  
45 provisions of P.L.1954, c.48 (C.52:34-6 et seq.) and any rules and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 regulations promulgated pursuant to that act. The provisions of  
2 R.S.52:32-2 shall not apply to any contract authorized by this  
3 section.

4 (2) Notwithstanding the provisions of chapter 35 of Title 52 of  
5 the Revised Statutes, the State Treasurer is not required to limit bids  
6 to persons who are prequalified. The State Treasurer is authorized  
7 to require each person who submits a bid for a contract pursuant to  
8 this section to submit statements under oath in response to a  
9 questionnaire that develops fully that person's financial ability,  
10 adequacy of plant and equipment, organization, prior experience  
11 and any other facts pertinent and material to qualification, including  
12 qualification of any subcontractors, for the contract sought. Any  
13 such questionnaire required shall be standardized with respect to,  
14 and shall be set forth in, each invitation to bid.

15 (3) Any other provision of law to the contrary notwithstanding,  
16 and subject to guidelines for conflict of interest established by the  
17 Attorney General, for the purposes of this section a State officer or  
18 employee or a group of State officers or employees may enter into a  
19 contract or contracts as a private contractor. A State officer or  
20 employee having any duties or responsibilities in connection with  
21 the evaluation or awarding of a contract pursuant to this section  
22 shall not individually or through any person or entity acting on  
23 behalf of that officer or employee bid on or enter into a contract as  
24 a private contractor.

25 (4) A contractor for the operation of an official inspection  
26 facility, or any of its officers or employees, may not be engaged in  
27 the business of selling, maintaining, or repairing motor vehicles or  
28 selling motor vehicle replacement or repair parts. A contractor's  
29 employees shall not be deemed employees of the State for any  
30 purpose.

31 c. A contract for the operation of an official inspection facility  
32 shall provide for motor vehicle inspection services that are  
33 consumer-friendly to the maximum extent feasible. A contract shall  
34 at a minimum specify that:

35 (1) New or relocated inspection facilities shall be sited close to  
36 population centers, but in locations that remain convenient for  
37 suburban and rural residents;

38 (2) An inspection facility shall be open for inspections, exclusive  
39 of holidays, at least 55 hours each week, including hours prior to  
40 9:00 am or after 5:00 pm on weekdays and hours on the weekend,  
41 except that the facility may lessen or expand these hours based on  
42 the results of a survey of persons who use the facility for motor  
43 vehicle inspections;

44 (3) An inspection facility shall maintain a climate-controlled  
45 waiting area for persons whose motor vehicles are being inspected;

46 (4) At least one lane at each inspection facility shall be reserved  
47 to the extent practicable for reinspections, although this lane may be

1 opened to initial inspections whenever there are no reinspections  
2 being performed;

3 (5) The number of inspection lanes provided for in the contract  
4 to be constructed may be increased to meet the standards set by the  
5 **【director】** Chief Administrator of the New Jersey Motor Vehicle  
6 Commission pursuant to subsection d. of this section only if the  
7 contractor can show that this increase is more cost-effective than  
8 extending the hours of operation;

9 (6) A toll-free telephone number and a network of computerized  
10 signs shall be established, and public service announcements shall  
11 be aired to advise motorists of the length of lines at inspection  
12 facilities. Periodic surveys concerning hours and methods of  
13 operation shall be conducted. Each motor vehicle operator who  
14 arrives at a facility for an inspection shall be provided with a  
15 written document containing the following statement:

16 "The motor vehicle emission test being conducted at this facility  
17 has been imposed on the residents of this State by an act of the  
18 Congress of the United States and the regulations of the United  
19 States Environmental Protection Agency."

20 In addition, the written document shall include the name and  
21 address of the Administrator of the federal Environmental  
22 Protection Agency and of each member of Congress elected from  
23 this State.

24 A contractor shall spend not less than one percent of its  
25 operating budget to provide an ongoing public information  
26 program; and

27 (7) All qualified full-time employees whose employment with  
28 the **【division】** New Jersey Motor Vehicle Commission is  
29 terminated as a result of P.L.1995, c.112 (C.39:8-41 et al.) shall be  
30 offered full-time employment. If more than one contract for the  
31 operation of official inspection facilities is awarded, each contractor  
32 shall offer full-time employment to a percentage of the number of  
33 such employees that is equal to the percentage of the total number  
34 of inspection lanes that will be operated by that contractor.

35 d. The **【director】** chief administrator shall adopt, pursuant to  
36 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
37 seq.), regulations to establish the conduct of inspections by any  
38 person who has entered into a contract with the State pursuant to  
39 subsection a. of this section, and may issue directives or guidelines  
40 or enter into contracts or agreements for the oversight and  
41 regulation of any person who has entered into a contract with the  
42 State pursuant to subsection a. of this section. The **【director】** chief  
43 administrator shall establish standards that are designed to achieve  
44 average wait times of 30 minutes or less and to keep the overall  
45 operating cost of the facilities to a minimum. The **【director】** chief  
46 administrator shall develop a system of incentives that are designed  
47 to achieve average wait times of 15 minutes or less. Data generated  
48 at any official inspection facility shall be the property of the State

1 and shall be fully accessible to the **【division】** New Jersey Motor  
2 Vehicle Commission at any time.

3 e. If a dispute over contract compliance, performance or  
4 termination cannot be resolved by the State Treasurer and the  
5 private contractor pursuant to the procedures set forth in a contract  
6 entered into pursuant to the provisions of this section, either party  
7 to the contract may file with the Superior Court a request either for  
8 an order either to terminate the contract or for an order for other  
9 appropriate relief to the dispute. Any provision of N.J.S.59:13-5 to  
10 the contrary notwithstanding, the State Treasurer may consent to the  
11 filing of such a request prior to the expiration of 90 days from the  
12 date that the notice of claim is received. The court may take such  
13 action as it may deem necessary to facilitate the expeditious  
14 resolution of the dispute and an expeditious response to the request,  
15 including ordering the parties to undertake dispute resolution,  
16 mediation, or arbitration as provided in N.J.S.59:13-7. Within 90  
17 days after the filing of a request, the court shall either grant the  
18 request or deny the request. If the request is granted, the court shall  
19 order such appropriate relief measures or remedies as it deems  
20 appropriate and necessary.

21 f. (1) A person whose employment with the **【Division of**  
22 **Motor Vehicles】** New Jersey Motor Vehicle Commission is  
23 terminated as a result of a contract entered into pursuant to  
24 subsection a. of this section, who does not accept an offer of  
25 employment with a contractor pursuant to paragraph (7) of  
26 subsection c. of this section, and who undergoes counseling  
27 pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7), may apply for  
28 a training grant pursuant to section 6 of P.L.1992, c.43 (C.34:15D-  
29 6).

30 (2) Any provision of P.L.1992, c.43 (C.34:15D-1 et al.) to the  
31 contrary notwithstanding, the Workforce Development Program in  
32 the Department of Labor and Workforce Development may provide  
33 a training grant to each person who applies pursuant to paragraph  
34 (1) of this subsection for a training grant to pay for employment and  
35 training services as provided pursuant to section 6 of P.L.1992, c.43  
36 (C.34:15D-6).

37 g. Notwithstanding any law, rule, or regulation to the contrary,  
38 during any contract renewal involving the operation of an official  
39 inspection facility within this State, existing employees covered by  
40 a collective bargaining agreement shall be the first to be offered  
41 employment to meet the staffing requirements of the new contract.  
42 Offers of employment to both existing and new employees shall  
43 include compensation and benefits packages that meet the  
44 requirements of any collective bargaining agreement that may be in  
45 place for the existing contract.

46 In the event of a sale, transfer of assets including contracts, or in  
47 the event of a merger with another company, the collective  
48 bargaining agreement in effect at the time shall be binding on any

1 successors and assigns, including all purchasers of any assets,  
2 contracts, or the business. The collective bargaining agreement  
3 shall be binding on any and all corporations, partnerships,  
4 organizations, and sole proprietorships affiliated with or related to  
5 doing business under the terms of the collective bargaining  
6 agreement in effect.

7 (cf: P.L.1995, c.112, s.4)

8

9 2. This act shall take effect immediately.

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### STATEMENT

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14 This bill amends current law to provide that during a contract  
15 renewal involving the operation of an official motor vehicle  
16 inspection facility existing employees covered by a collective  
17 bargaining agreement be the first to be offered employment to meet  
18 the staffing requirements of the new contract. Offers of  
19 employment to existing and new employees are required to include  
20 compensation and benefits packages that meet the requirements of  
21 any collective bargaining agreement that may be in place for the  
22 existing contract.

23

24 Under the bill, in the event of a sale, transfer of assets including  
25 contracts, or in the event of a merger with another company, the  
26 collective bargaining agreement in effect at the time is binding on  
27 any and all successors and assigns, including all purchasers of any  
28 assets, contracts, or the business. The bill also provides that the  
29 collective bargaining agreement is binding on any and all  
30 corporations, partnerships, organizations, and sole proprietorships  
31 affiliated with or related to doing business under the terms of the  
collective bargaining agreement in effect.