

ASSEMBLY, No. 5140

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 16, 2024

Sponsored by:

Assemblyman MICHAEL INGANAMORT

District 24 (Morris, Sussex and Warren)

Assemblywoman BARBARA MCCANN STAMATO

District 31 (Hudson)

Assemblywoman AURA K. DUNN

District 25 (Morris and Passaic)

Co-Sponsored by:

Assemblywomen Fantasia and Murphy

SYNOPSIS

Increases penalties for denying access to public facilities, NJT, and transportation network companies to service dogs and their handlers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2025)

A5140 INGANAMORT, MCCANN STAMATO

2

1 AN ACT concerning penalties for denying access to public facilities,
2 New Jersey Transit, and transportation network companies to
3 service dogs and their handlers and amending P.L.2017, c.169.

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

7
8 1. Section 1 of P.L.2017, c.169 (C.10:5-29.11) is amended to
9 read as follows:

10 1. a. Any person who interferes with or denies the access of a
11 person with a disability accompanied by a service or guide dog to
12 any public facility in violation of section 1 of P.L.1971, c.130
13 (C.10:5-29), or to any form of transportation operated by or under
14 contract to the New Jersey Transit Corporation in violation of
15 section 1 of P.L.2016, c.25 (C.27:25-5b), or to any transportation
16 network company in violation of section 15 of P.L.2017, c.26
17 (C.39:5H-15) shall, in addition to any other relief or affirmative
18 action provided by law, be **liable to a civil penalty of not less than:**

19 (1) \$250 for the first violation;

20 (2) \$500 for the second violation; and

21 (3) \$1,000 for the third **charged with a petty disorderly persons**
22 offense for the first violation, and with a disorderly persons offense
23 for the second and each subsequent violation. Notwithstanding the
24 provisions of N.J.S.2C:43-8, a disorderly persons offense
25 committed in violation of section 1 of P.L.1971, c.130 (C.10:5-29)
26 shall carry a term of imprisonment of up to one year. As used in
27 this section, a "transportation network company" means the same as
28 the term is defined by section 2 of P.L.2017, c.26 (C.39:5H-2).

29 b. **The penalty shall be collected pursuant to the "Penalty**
30 **Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),**
31 **in a summary proceeding before the municipal court having**
32 **jurisdiction.** A law enforcement officer having enforcement
33 authority in that municipality shall issue a summons for a violation
34 of the provisions of subsection a. of this section, and shall serve and
35 execute all process with respect to the enforcement of this section
36 consistent with the Rules of Court.

37 The issuance of a summons pursuant to this subsection shall not
38 prohibit an aggrieved party from filing a complaint or action with
39 the Division on Civil Rights or in the Superior Court of New Jersey
40 alleging a violation of the "Law Against Discrimination," P.L.1945,
41 c.169 (C.10:5-1 et seq.), based on the same incident or conduct. In
42 any instance where an aggrieved party files a complaint or action
43 with the Division on Civil Rights or in the Superior Court of New
44 Jersey alleging a violation of the "Law Against Discrimination"
45 based on the same incident or conduct for which a **civil** penalty

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 has been imposed pursuant to subsection a. of this section, the
2 Division on Civil Rights or Superior Court of New Jersey, as the
3 case may be, shall make a de novo ruling and any adjudication by
4 the municipal court shall not constitute res judicata for the
5 complaint or action filed with the Division on Civil Rights or in the
6 Superior Court of New Jersey.

7 c. The penalties assessed under this section shall be payable to
8 the State Treasurer and shall be appropriated to the Department of
9 Law and Public Safety to fund educational programs for law
10 enforcement officers on the right of a person with a disability to
11 have a service or guide dog in a place of public accommodation.

12 d. The Attorney General shall establish a public awareness
13 campaign to inform the public about the provisions of this act.

14 (cf: P.L.2017, c.169, s.1)

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill increases the penalties, from civil to criminal, for any
22 person who denies or interferes with the access of a service dog or
23 their handler to a public facility, to any form of transportation
24 operated by the New Jersey Transit Corporation, or any
25 transportation network company.

26 Currently, any person who interferes or denies the access of a
27 service dog or their handler to a public facility is liable for civil
28 penalties as follows:

- 29 • \$250 for the first violation;
- 30 • \$500 for the second violation; and
- 31 • \$1,000 for the third and each subsequent violation.

32 This bill would subject any person denying access to a public
33 facility, to any form of transportation operated by NJT, or any
34 transportation network company towards a service dog or their
35 handler to criminal penalties. A person in violation of section 1 of
36 P.L.1971, c.130 (C.10:5-29), or section 1 of P.L.2016, c.25
37 (C.27:25-5b), or section 15 of P.L.2017, c.26 (C.39:5H-15) would
38 be charged with a petty disorderly persons offense for the first
39 violation, and a disorderly persons offense for the second and each
40 subsequent violation.

41 A petty disorderly persons offense is punishable by
42 imprisonment for up to 30 days, a fine of up to \$500, or both. A
43 disorderly persons offense is punishable by imprisonment for up to
44 six months, a fine of up to \$1,000, or both; however, for a second
45 and each subsequent violation, the standard term of up to six
46 months' imprisonment has been increased to up to one year.