

CHAPTER 310

AN ACT concerning licensing and registration requirements related to tree care, amending P.L.2009, c.237, and repealing section 18 of P.L.2009, c.237.

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

1. Section 19 of P.L.2009, c.237 (C.45:15C-29) is amended to read as follows:

C.45:15C-29 Violations; issuance of orders; civil action for appropriate relief; right to a hearing; penalties.

19. a. Whenever it shall appear to the board or the Department of Environmental Protection that a violation of P.L.2009, c.237 (C.45:15C-11 et seq.), or any rule or regulation adopted pursuant thereto, has occurred, is occurring, or will occur, the board or the Department of Environmental Protection, in addition to any other proceeding authorized by law, may:

(1) issue an order requiring any person in violation of P.L.2009, c.237 (C.45:15C-11 et seq.) to comply in accordance with subsection b. of this section;

(2) bring a civil action in accordance with subsection c. of this section;

(3) levy a civil administrative penalty in accordance with subsection d. of this section; or

(4) bring an action for a civil penalty in accordance with subsection e. of this section.

Recourse to any remedy available under this section shall not preclude recourse to any of the other remedies prescribed in this section or by any other applicable law.

b. Whenever, on the basis of available information, the board finds a person in violation of any provision of P.L.2009, c.237 (C.45:15C-11 et seq.), or any rule or regulation adopted pursuant hereto, the board may issue an order:

(1) specifying the provision or provisions of the law, rule, regulation, permit, approval, or authorization of which the person is in violation;

(2) citing the action which constituted the violation;

(3) requiring compliance with the provision or provisions violated;

(4) denying, suspending, or revoking a license or business registration; and

(5) providing notice to the person of the right to a hearing on the matters contained in the order.

c. The board or the Commissioner of Environmental Protection is authorized to institute a civil action in the Superior Court or municipal court for appropriate relief from any violation of any provision of P.L.2009, c.237 (C.45:15C-11 et seq.), or any rule or regulation adopted pursuant thereto. The relief may include, singly or in combination:

(1) a temporary or permanent injunction;

(2) assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing the legal action under this subsection;

(3) assessment of the violator for any costs incurred by the State in removing, correcting, or terminating the adverse effects resulting from any unauthorized regulated activity for which legal action under this subsection may have been brought;

(4) assessment against the violator for compensatory damages for any loss or destruction of natural resources and for any other actual damages caused by an unauthorized regulated activity; or

(5) a requirement that the violator restore the site of the violation to the maximum extent practicable and feasible.

d. The board is authorized to assess a civil administrative penalty of \$1,000 for each violation of any provision of P.L.2009, c.237 (C.45:15C-11 et seq.), or any rule or regulation

adopted pursuant hereto, or \$2,500 for a second or subsequent violation. Each day that the violation continues shall constitute an additional, separate, and distinct offense. No assessment shall be levied pursuant to this section until after the party has been notified by certified mail or personal service. The notice shall:

- (1) identify the section of the law, rule, regulation, license, or registration violated;
- (2) recite the facts alleged to constitute a violation;
- (3) state the amount of the civil administrative penalties to be imposed; and
- (4) affirm the rights of the alleged violator to a hearing.

The ordered party shall have 20 days from receipt of the notice within which to deliver to the board a written request for a hearing. After the hearing and upon finding that a violation has occurred, the board may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 20-day period. Payment of the civil administrative penalty shall be due when a final order is issued or the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in P.L.2009, c.237 (C.45:15C-11 et seq.) and in any other applicable law, rule, or regulation, and the payment of any civil administrative penalty shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. Any civil administrative penalty assessed under this section may be compromised by the board upon any terms and conditions as the board may establish.

e. A person who violates any provision of P.L.2009, c.237 (C.45:15C-11 et seq.), or any rule or regulation adopted pursuant thereto, an administrative order issued pursuant to subsection b. of this section, or a court order issued pursuant to subsection c. of this section, or who fails to pay a civil administrative penalty in full pursuant to subsection d. of this section, shall be subject, upon order of a court, to a civil penalty not to exceed \$1,000 for a first violation and not to exceed \$2,500 for a second or subsequent violation. Each day that the violation continues shall constitute an additional, separate, and distinct offense. Any civil penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (C. 2A:58-10 et seq.). In addition to any penalties, costs, or interest charges, the court may assess against the violator the amount of actual economic benefit accruing to the violator from the violation. The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with P.L.2009, c.237 (C.45:15C-11 et seq.).

f. The provisions of P.L.2009, c.237 (C.45:15C-11 et seq.) shall not apply to any person employed by or contracted with the New Jersey Department of Transportation while engaged in the actual performance of the person's duties as an employee or contractor.

Repealer.

2. Section 18 of P.L.2009, c.237 (C.45:15C-28) is repealed.

3. This act shall take effect immediately.

Approved January 20, 2026.