

SENATE, No. 4761

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:
Senator OWEN HENRY
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS
Requires BPU to impose penalties during audits.

CURRENT VERSION OF TEXT
As introduced.



1 AN ACT requiring the BPU to impose penalties during audits and
2 amending R.S.48:2-42.

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

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7 1. R.S.48:2-42 is amended to read as follows:

8 48:2-42. a. Any person or public utility that **[shall fail]** fails
9 to comply with an order of the board, except an order to resume
10 service which has been discontinued, shall be subject to a penalty of
11 **[one hundred dollars]** \$100 for every day during which the default
12 continues. Any person or public utility that **[shall fail]** fails to
13 comply with any order of the board directing the public utility to
14 resume service which has been discontinued shall be subject to a
15 penalty of **[two hundred and fifty dollars]** \$250 for every day
16 during which such default continues. **[Such penalties shall be**
17 **recovered in an action at law in the name of the state.]**

18 b. In addition to any applicable penalty provided in subsection a.
19 of this section, the Board of Public Utilities shall assess a civil
20 penalty of \$500 for every day after a public utility is put on notice
21 that the public utility has failed to provide sufficient information for
22 the Board of Public Utilities to complete an audit of that public
23 utility conducted pursuant to R.S.48:2-16.4.

24 c. Any civil penalty imposed pursuant to this section shall be
25 collected by the board in a summary proceeding before a court of
26 competent jurisdiction pursuant to the provisions of the “Penalty
27 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
28 (cf: R.S.48:2-42)

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30 2. This act shall take effect immediately.

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33 STATEMENT

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35 This bill provides the Board of Public Utilities (BPU) additional
36 means to ensure the compliance of public utilities with the BPU’s
37 audit procedure. The bill requires the BPU to assess a civil penalty
38 of \$500 for every day after a public utility is put on notice that the
39 public utility has failed to provide sufficient information for the
40 BPU to complete an audit of that public utility. Currently, when the
41 BPU determines that an audit of a public utility is necessary or
42 desirable, the BPU may initiate an audit and request information
43 such as accounting and personnel records from that public utility in
44 order to complete the audit. The New Jersey Division of the Rate
45 Counsel has indicated that certain audits of public utilities have

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.

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1 gone uncompleted due to a lack of cooperation from the entities
2 being audited. It is the sponsor's intent to ensure that when the
3 BPU determines that an audit of a utility is necessary or desirable,
4 the entity under audit provides sufficient information to complete
5 the audit in a timely manner.