

CHAPTER 482

AN ACT concerning the transfer of certain professional and occupational licenses and amending P.L.1978, c.73 and supplementing P.L.2004, c.16 (C.56:8-136 et seq.).

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

1. Section 12 of P.L.1978, c.73 (C.45:1-25) is amended to read as follows:

C.45:1-25 Violations, penalties.

12. a. Any person who engages in any conduct in violation of any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than \$10,000 for the first violation and not more than \$20,000 for the second and each subsequent violation. For the purpose of construing this section, each act in violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the following circumstances:

(1) an administrative or court order has been entered in a prior, separate and independent proceeding;

(2) the person is found within a single proceeding to have committed more than one violation of any provision of an act or regulation administered by a board; or

(3) the person is found within a single proceeding to have committed separate violations of any provision of more than one act or regulation administered by a board.

b. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board. Such action may be brought in summary manner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court where the offense occurred. Process in such action may be by summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice.

c. Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court.

d. In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State, including, but not limited to, costs of investigation, expert witness fees and costs, attorney fees and costs, and transcript costs.

e. In addition to any other penalty provided by law, an individual regulated by the Board of Examiners of Electrical Contractors; the Elevator, Escalator, and Moving Walkway Mechanics Licensing Board; the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee; the Licensed Master Hearth Specialist Advisory Committee; the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors; the State Board of Examiners of Master Plumbers; or other State entity created to regulate a skilled trade occupation in the Division of Consumer Affairs in the Department of Law and Public Safety who transfers a license provided to the individual by the requisite board to another individual

shall be liable to a civil penalty of not more than \$15,000 for the first violation and not more than \$25,000 for the second and each subsequent violation.

For the purpose of construing this section, each violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the circumstances listed in paragraphs (1), (2), and (3) of subsection a. of this section.

C.56:8-146.1 Additional penalties.

2. In addition to any other penalty provided by law, a person who knowingly violates section 10 of P.L.2004, c.16 (C.56:8-145) or who otherwise transfers a registration obtained pursuant to section 3 of P.L.2004, c.16 (C.56:8-138) shall be liable to a civil penalty of not more than \$15,000 for the first violation and not more than \$25,000 for the second and each subsequent violation.

3. This act shall take effect immediately.

Approved January 18, 2022.