

CHAPTER 28

AN ACT concerning certain violations by businesses and supplementing Title 52 of the Revised Statutes.

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

C.52:14B-10.2 Monetary fine, civil penalty, cure period; conditions; report publicly; rules, regulations.

1. a. A State agency, department, or authority, in its sole discretion, may suspend enforcement of any monetary fine or civil penalty, for a period of 60 calendar days, that would otherwise be imposed on a business for a first-time violation that does not or would not result in a significant adverse impact to the public safety or welfare, result in loss of income or benefits to an employee, or present the risk of environmental harm. This section shall not apply to any violation where the violation is:

(1) of a criminal nature or where failure to impose a fine or penalty would impede or interfere with the detection of criminal activity;

(2) an intentional or knowing act;

(3) grounds for the revocation or suspension of the license, certification, good standing, or other authorization to operate the business;

(4) grounds for the business to be debarred by the Department of Labor and Workforce Development from engaging in or bidding on public works contracts in New Jersey;

(5) any State employment or labor-related law;

(6) grounds for issuance of a stop-work order; or

(7) related to a program that has been delegated to the State from the federal government, the violation is a failure to comply with a federal requirement, and federal regulations mandate the imposition of a fine or civil penalty.

A business shall address and resolve the violation during the 60-calendar day cure period or shall be assessed all fines and penalties available under the law upon the expiration of that term.

b. Following notification from a State agency, department, or authority that the agency, department, or authority has decided, in its sole discretion, to suspend enforcement pursuant to subsection a. of this section, the 60-calendar day cure period provided by subsection a. of this act shall run from the date on which the business receives notification of the violation in writing from the State agency.

c. Starting on January 1 of the year next following the effective date of P.L.2023, c.28 (C.52:14B-10.2), a State agency, department, or authority shall report, on an annual basis, any infractions it has waived over the prior calendar year in accordance with P.L.2023, c.28 (C.52:14B-10.2), in a prominent manner that is accessible to the public on its Internet website.

d. A State agency, department, or authority shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be needed to effectuate this act.

e. As used in this section:

"Business" means a business entity that employs not more than 50 full-time employees or the equivalent thereof.

"State employment or labor-related law" includes, but is not limited to:

(1) P.L.1965, c.173 (C.34:11-4.1 et seq.);

(2) The "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.);

(3) The "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.);

(4) The workers' compensation law, R.S.34:15-1 et seq.;

(5) The "unemployment compensation law," R.S.43:21-1 et seq.;

P.L. 2023, CHAPTER 28

2

- (6) The "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);
- (7) P.L.2008, c.17 (C.43:21-39.1 et al.);
- (8) The "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.; or
- (9) P.L.2018, c.10 (C.34:11D-1 et seq.).

2. This act shall take effect on the 91st day next following the date of enactment.

Approved March 20, 2023.