

SENATE, No. 1341

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Establishes penalty for failure to include bittering agent in antifreeze.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/29/2014)

1 AN ACT concerning the use of bittering agents in antifreeze, and
2 supplementing P.L.2009, c.277 (C.13:1D-64 et seq.).

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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. a. Any person who violates any provision of section 2 of
8 P.L.2009, c.277 (C.13:1D-65) shall be subject to a civil penalty of
9 \$500 for the first offense and \$1,000 for the second or subsequent
10 offense, to be collected in a civil action by summary proceeding
11 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
12 (C.2A:58-10 et seq.). The Superior Court and the municipal court
13 shall have jurisdiction to enforce the provisions of the "Penalty
14 Enforcement Law of 1999" in connection with this section. If the
15 violation is of a continuing nature, each day during which it
16 continues shall constitute an additional, separate and distinct
17 offense.

18 b. The Department of Environmental Protection may institute a
19 civil action for injunctive relief to enforce the provisions of
20 P.L.2009, c.277 (C.13:1D-64 et seq.) and prohibit and prevent a
21 violation of section 2 of that act, and the court may proceed in the
22 action in a summary manner.

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24 2. This act shall take effect immediately.

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STATEMENT

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29 This bill would establish a civil penalty applicable to any person
30 who fails to include a bittering agent in antifreeze sold in the State.
31 Although the law currently requires the use of a bittering agent in
32 antifreeze products sold in New Jersey, it does not provide a penalty
33 for persons who do not comply with this requirement. The bill
34 would fill this gap in the law by providing, in particular, that any
35 person who fails to include a bittering agent in antifreeze would be
36 subject to a civil penalty of \$500 for the first offense and \$1,000 for
37 the second or subsequent offense. The bill would further provide
38 that when a violation is of a continuing nature, each day during
39 which it continues would constitute an additional, separate and
40 distinct offense.

41 The penalty established by the bill would be collectable in a civil
42 action by summary proceeding under the "Penalty Enforcement
43 Law of 1999." The bill would also authorize the Department of
44 Environmental Protection to institute a summary civil action for
45 injunctive relief, as necessary to enforce, and prohibit and prevent a
46 violation of, the antifreeze law.

47 The penalty proposed to be established by the bill is consistent
48 with other penalties established under law for similar offenses

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- 1 involving the improper sale of toxic substances and the improper
- 2 sale of products containing toxic substances.